

**PLANNING COMMISSION MEETING  
CITY OF WIXOM  
49045 PONTIAC TRAIL  
MONDAY, DECEMBER 3, 2007 – 7:30 PM**

Chairman Day called the meeting to order at 7:33 pm.

The Pledge to the Flag was given.

**PRESENT:**

William Day, Chairman  
Phillip Carter  
Jim Crowley  
Kurt Gottschall  
John Lee  
James Maher (late 7:48 pm)  
Guy York

**CITY CONSULTANT:**

Carmine Avantini, LSL

**CITY STAFF:**

John R. Lipchik, Building Official

**RECORDING SECRETARY:**

Jennifer Garrett

**ABSENT:**

William Henning (unexcused)  
Patrick Fitzpatrick (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:**

There were no minutes available for approval at this time.

**CORRESPONDENCE:**

There was no correspondence received for this meeting.

**CALL TO THE PUBLIC:**

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

Chairman Day asked if there was anyone from the audience that would like to address the commission at this time (bearing in mind that we do have a public hearing set for the Wixom Daycare and Office Village issue).

A woman from the audience (later identified as Lee Emmett) stated she was confused about how the Public Hearing differs from the Call to the Public.

Chairman Day stated this was a Call to the Public to address the Commission on any subject.

She asked other than the Public Hearing; and Chairman Day told her not necessarily other than, but we do have a specific time set aside to address that issue. He said that will be in a few minutes, and he suggested that it would be better to save that for the Public Hearing on that issue.

He then asked if there was anyone else that would like to address the Commission. There being no comments from the audience, the Call to the Public was closed at 7:35 pm.

**CONSENT AGENDA:**

**SET A PUBLIC HEARING FOR SPECIAL USE #07-011: MICHIGAN ELITE VOLLEYBALL CLUB, KIRK BAGG, 6881 CHICAGO ROAD, WARREN, MI 48092:** The applicant is seeking special use approval to conduct an indoor volleyball training facility within a 12,000 square foot building. The Wixom Municipal Code, Section 18.64.030 (I) requires approval from the Planning Commission for this request. The property is located at 50761 Pontiac Trail and zoned M-1, Light Industrial. The tax parcel number is 22-06-100-005.

**MOTION** and second by Mr. Gottschall and Mr. York to set a public hearing date for Special Use #07-011 for the January 2, 2008 regular meeting.

**VOTE:**

**MOTION CARRIED**

**TABLED MOTIONS:**

There were no tabled motions on tonight's agenda.

**UNFINISHED BUSINESS:**

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

**NEW BUSINESS:**

**PUBLIC HEARING 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.

Chairman Day indicated it was his understanding that the applicant had requested that this item be tabled, and Mr. Lipchik stated yes.

Chairman Day said however there was a published Public Hearing for tonight, and he gathered that there were people here to address the issue. He would suggest that we open the Public Hearing on the issue at this time and let those people say what they have to say to the Commission. He asked if there was anyone from the audience that would like to address the Commission regarding this case.

**David Nobel**, 499 North Wixom Road, Wixom, MI 48393, stated he actually owns the property adjacent to where he wants to do the daycare. He would like to object to this. His issues being (1) there are already three daycares in Wixom alone; (2) his daughter who is in third grade in Wixom Elementary is a walker, and it is already dangerous enough just trying to cross Theodore Street during school time to get her to school let alone to add a daycare and then office buildings. His other issue is just traffic on that road as it is with the church expansion across the street and their daycare center and plus with school letting in and out. On top of that with the Village Center traffic it is horrible to get back and forth to work during work hours. He just doesn't really see the need for that on that small lot.

Chairman Day asked if there was anyone else that would like to speak on this issue.

**Lee Emmett**, 120 Glen Wood Drive, Walled Lake, MI, stated she owns 431 North Wixom Road and is using it as a rental facility. She is concerned about the noise, the safety of adding a multi-tenant office building and a daycare next to that property. She then asked when she could ask the questions she has.

Chairman Day told her actually, unfortunately because the applicant asked that this be tabled, the applicant is not here. He said this will likely come up again at our January meeting, and you are welcome to come back. Perhaps the applicant would be able to address issues you have at that time, but that is not something that we are able to do. However if there is a specific question you would like to have addressed he is not saying that we can give you an answer, but it would be a good time to get it into the record.

Ms. Emmett said she guesses she doesn't understand or doesn't know with the Village Center Area if that means it is no longer zoned residential. She asked if the property she owns is zoned residential or zoned commercial.

Mr. Lee stated that is something we can't answer. The VCA is an overlay district which allows expansion of City-centered type developments. It doesn't change the zoning for the people who already own the property, but it gives a little more flexibility on how the property can be used if it wants to be redeveloped. He told Ms. Emmett her house is still a residential unit and is still a residential lot, but if she chose to do something with that property it could be developed under the VCA ordinance as well.

Ms. Emmett commented so that is how they are developing that property, and Mr. Lee replied yes.

Chairman Day asked if there was anyone else from the public that would like to address this case.

Mr. Lee stated he was going to suggest that we not close the public hearing and just leave it open at this time, and that it be allowed to continue at the next regular meeting of the Planning Commission.

Chairman Day stated that sounded reasonable to him.

**MOTION** and second by Mr. Lee and Mr. Carter to leave the public hearing open for Special Use #07-010.

**VOTE:**

**MOTION CARRIED**

**MOTION** and second by Mr. Gottschall and Mr. York to table Special Use #07-010 until the January 2, 2008 regular meeting.

**VOTE:**

**MOTION CARRIED**

**CALL TO THE PUBLIC:**

**Ronda Marshall**, 3366 Theodore, Wixom, MI, 48393, asked if there is any way we can get a sign at the end of Theodore not to block the driveway. She takes her kids to school every morning and just to make a left to go to Western, they will just pull up. She just gets so irritated every morning and if she doesn't act like she is going to run them over they won't stop.

Chairman Day asked if she meant a "Do not block intersection" sign, and Ms. Marshall replied yes.

Mr. Lee stated Wixom Road is a County road, but the way to do that would be to contact the City Manager's Office or the Police Chief and they would have to initiate a traffic study order for the signage. With it being a County road they would have to interface with the Road Commission for Oakland County to get that put in, but it is something that is normally done with the administration. He would suggest that it is probably quite possible, but it is not something that this board deals with.

Chairman Day asked if there was anyone else that would like to address the Commission. There being no further comments, the Call to the Public was closed at 7:43 pm.

**COMMISSION COMMENTS:**

Mr. Gottschall mentioned the new building that was put up over on Beck Road just south of Pontiac Trail and West and asked if that was Cartier, and Mr. Lipchik replied yes.

Mr. Gottschall stated at first it kind of looked as though we were going to be able to look through the windows and see all the manufacturing stuff that went on there, but they have since put offices in that space. But on top of that building there is some structure. He is not quite sure what it is (if it is a vacuum system or what) but it sticks about 15 feet up in the air over and above the roof line. He doesn't recall us ever looking at anything for approval of that.

Mr. Lipchik told him no that was a spec building, and it has been purchased by Adept Plastic. That is chrome plating of plastic car parts, but he can't say that he has seen this structure.

Mr. Gottschall stated it is highly noticeable from either direction (north or south), especially if you are heading south. It looms about 15 feet above the roof line and looks like a big tank of some sort.

Mr. Lipchik indicated he would see what he can do about screening it.

Mr. Gottschall commented he didn't know if that was something he would want to look at. Also, he asked what the ordinances are on use of neon outside of the VCA.

Mr. Lipchik replied that he doesn't think there is anything on the books presently. He asked if he had seen something that caught his eye.

Mr. Gottschall stated Leon's (or whatever it is these days) has a pretty substantial amount of neon banding around the top of the building now. He saw it tonight. He hadn't really noticed it before, but it kind of caught him tonight so he didn't know if there was anything on that.

Mr. Lipchik indicated he would certainly look at that too.

Mr. Gottschall said well if we don't have any ordinances or anything; and Mr. Lipchik stated we don't, but he doesn't know that that went in under a permit because it is basically a sign. It should have come through his department.

Mr. Gottschall inquired also if we were able to find anything about the inter-cooperation directive from the State (or wherever this is coming from) relative to the different boards' co-mingling membership. He knows we talked about that at the last meeting and asked if there is any documentation on that.

Mr. Avantini stated we can get you the citation for it. The way the state law is written currently (and he knows there is some discussion about different variations of that at the legislature) but it is that there would be cross membership between the Planning Commission and the Zoning Board of Appeals.

Mr. Gottschall asked what about Council. Is there something about tying that in as well?

Mr. Avantini said he thought there was also cross membership between the Council and the Planning Commission. The other thing we had to check was the charter too because the city charter may have

variations that don't match up with state law, so it isn't just the policies of the City. It could be something that is written into the charter that we need to find out about.

Mr. Gottschall asked now is this mandate or is this a suggestion.

Mr. Avantini stated it is a state law.

Mr. Gottschall asked if that overrides a city charter.

Mr. Avantini stated the state law has requirements for cross membership. He thinks that is more of a legal question, and that is something we can check with the attorney on.

Mr. York commented cross membership is a different issue than cooperating with coordination of discussions. That is a different matter, and Mr. Avantini said yes.

Mr. Lee stated he just wanted to say this was his last meeting as a member of the Planning Commission, and he wanted to say how much he has enjoyed working with this board. It is an extremely talented group of individuals, including past members we have lost recently. He has been very proud to serve with this board, and he feels very confident in the future of the community because of the way this board conducts its business. He thinks it is really a model for the rest of the boards and commissions we have in the City. He wanted to thank all the members for putting up with him for the last two years and said he will be reading the minutes as he takes over his new position in January and will look to see you in the community. Thank you very much for your patience.

Chairman Day said speaking for himself (but he thinks he can speak for the other members of the commission too) there has never been any question of putting up with but rather valuing the input and insight and work Mr. Lee has brought to this board. He really does appreciate his input, and he will be sorely missed.

#### **STAFF COMMENTS:**

Mr. Avantini stated one of the things he would like to talk a little bit about is with the Special Use request for the Wixom Daycare and Office Village with that Alan Stephens. He said we are giving feedback to the applicant, and we are going through a round of revisions. There were a number of things on the plans they submitted last that we had revisions on. We wanted them to change it, and in our discussions with him there seems to be maybe some differences of opinion in terms of what you (the Planning Commission) had given direction on and as we went through the meetings it was further complicated by the fact that at one of those meetings he thinks we were short a quorum. Now we have different members, and there are just a lot of things that came into play. We just thought it would be good if we could just talk to you without presenting the case, debating the merits of the case. He just thinks there are some key technical things that have come up on which he would like to get some feedback so we can give better direction to the applicant if that is okay with the commission members.

Mr. Avantini stated one of the key things we are concerned about was we talked about the potential uses. Originally we had talked about there being work/live units with the residential being the key component; and then that expanded onto office, daycare and some other options too. Now one of the things is one of the master plan objectives for the VCA included the promotion of traditional residential neighborhoods on the outskirts of the VCA of which (when you look at the map) this is the outskirts. Then the zoning ordinance requires office and commercial uses to be located in areas south of the Coe Railroad unless it is shown that such uses can be adequately accommodated to serve primarily residents of the VCA without creating excessive traffic from the residential neighborhoods.

Mr. Avantini said there were some other things in our discussions with him that we were also concerned about too, one being that originally the direction that had been given to him by you (the Planning Commission) is that the development should resemble an historic house that is converted into an inn and then an accessory carriage house. That came right from the minutes (that that was the desire), and he came up with some real nice designs. What we are seeing (and we have already expressed some concern to him about) is the fact that the buildings seem to be bigger than we anticipated. When we hear an inn and carriage house we envision something that was much smaller in scale than what he is coming forward with.

The other thing too, there had seemed to be some, as we were looking at the minutes originally he had talked about office; and there seemed to be a leaning by the Planning Commission more towards a mixed use of residential and maybe some lower scale of maybe a coffee shop or lower intensity type office related uses. In some of the notations on the plan there is a reference to retail, and now it seems to be drifting between what our opinion of what we heard is and what he heard. He said he guesses what he is looking for from the commission (and he can provide more details if you would like because he knows he is being kind of sketchy on this) but he wants to avoid taking one position over another because that is not our goal here. We will give you our opinion at the next meeting, but we would like to give him some direction from you and also we need some direction as to how we are going to deal with some of these issues related to the ordinance and related to how the ordinance fits back into the master plan. Just our overall concern is we want to make sure that whatever happens here is done intentionally regardless of what the uses are and the buildings are because whatever happens here is going to impact what happens on the adjacent properties in the future. This sets the tone for it.

Mr. Lee told Mr. Avantini he agreed with his synopsis of what has happened in the past meetings and what we explained. His recollections and his feelings on this very honestly were that because this property was very close to the edge of the VCA border and everything we have discussed we have looked at as a transition piece coming into the downtown area. So he said you are right. In his opinion we were looking for something that blended that residential and low intensity use for the property. We also wanted to keep things away from the back edge so we wouldn't be disrupting the neighborhood behind it with excessive noise, and we wanted to make sure we maintained that green space back there in some way rather than having a parking lot go right up to the fence. The way he looks it he agrees we are not looking to expand this into a strip mall development type situation with a lot of traffic, noise and a lot of retail; but it was more of a low end use trying to maintain the look and if at all possible the actual character of residential transition so it acted like a transition zone between the traditional neighborhoods we have starting along Maple and the commercial aspects we had in the downtown of the VCA. That was his recollections at least.

Chairman Day stated he would echo that. In fact, he really does not recall that retail was contemplated once we got away from the live/work units. His understanding was that this was going to be strictly office type uses and not retail. When we talked about live/work units we talked about retail, but once we got away from that concept or once the developer got away from that concept we had talked about this basically being an office type building that was built to look like an historic inn. In terms of the scale he guesses he would have to look at and see what exactly is being proposed to see whether it is out of kilt with what his recollections or his concept was, but he certainly did not envision this as being anything akin to a strip mall type of operation.

Mr. Crowley said if he may he will throw in his limited memory as well, but he thought kind of where it ended up was talking about maybe perhaps things like a doctor's office or something maybe even like across the road. That was why he was a little surprised when he heard the mention of a coffee shop in that little area there. He thinks that is kind of where we left it. It was more medical, dental and maybe law office or something like that.

Mr. York mentioned that he didn't recall any discussion about a daycare center.

Chairman Day commented it might have been at the non-quorum meeting.

Mr. Lee stated some of the later discussions did have some day care options as a possibility.

Mr. York asked if he had a feeling if that was in the twelve child range as opposed to the six child range, and Mr. Lipchik replied it is bigger than that.

Mr. Avantini said it wouldn't be a daycare of any sort. It would be a childcare center.

Mr. Crowley remarked that he thinks the carriage house building in the back is what he was talking about for a daycare.

Mr. Maher said that is what he remembered too.

Chairman Day stated he remembered it being discussed that with the play area being behind there it would offer some green space and a buffer to the residential area that would be in use basically when the residential area was less in use.

Mr. Crowley remembered a lot of the discussion being around too the concern for the traffic flow in and out of the daycare.

Chairman Day asked Mr. Avantini if that gave him some idea.

Mr. Avantini responded yes definitely and said we will look again at that zoning ordinance and how that impacts because we do have the VCA district and also the design guidelines so that is good. He has the level of interpretation clarified which is important.

Chairman Day thought from his perspective, in terms of it being a transitional building and in terms of it not being residential, it really has to have that historic character and flavor of something that would have been there under a different guise such as an inn and then converted to use as offices and not just as something that was built as office space.

Mr. Avantini stated once again we have our own opinion on what has been presented so far, and he doesn't want to present that tonight because he doesn't think that will be fair to the applicant but just to get some general feedback from the commissioners on what their thoughts were in terms of the intent. He thinks that is important for us to be able to go back to him and say "Hey, look, we talked generally about the intent of what their thoughts were as we met in the past and some clarification" because obviously he has different thoughts than we do on it. But he said he feels a lot more comfortable now with what you have said. He feels comfortable with the direction we are taking.

Mr. Crowley indicated one thing he does remember pretty clearly too from that discussion (kind of what Mr. Avantini read earlier about what the intent of the transition area would be) was his feeling with that daycare that there would be teachers at Wixom Elementary or new folks moving into the Village Center Area that would potentially be the people that would be utilizing that daycare.

Mr. York stated as was mentioned he did miss the meeting of the most recent submittal, but he does recall his previous submittal and knows we had talked about traffic. He said you brought that up in your initial comments, and listening to some of the comments during the public hearing he thinks that is an issue

about the amount of traffic that would be pulling into that space as opposed to say that TCF Bank across the street or something that has two accesses into a parking lot area and looking at traffic count going into that property. He thinks it would be important for us to understand the kind of traffic count that you would be talking about accessing that space. When he was looking at the two-story and even three-story structure (the first structure he brought in) he knows that was important to us (the amount of traffic that was going to go in behind the area and where his parking would be for all of his businesses).

Just so the record is clear, Chairman Day stated he believed the last discussion was at a workshop meeting. It was not a submission but rather just something for the applicant to get our feedback, which is why we proceeded in light of the fact that there was no quorum here.

Mr. Avantini stated one point of clarification going back to the Zoning Enabling Act. The way it is written is "There shall be cross membership between the Planning Commission and Zoning Board of Appeals. There may be cross membership between the City Council and the Zoning Board of Appeals." So he said the latter is optional, but the first one is required (that there be cross membership between the two). The other thing he is deciphering is with the other they refer to a Zoning Commission which is kind of tricky and is kind of a different animal that he wants dig into more before he gives an opinion on it. He doesn't recall there being requirements for cross membership on the Planning Commission from the City Council. They do have other requirements for townships and other requirements for villages and cities too, but they relate to Zoning Commissions which Wixom doesn't have; but he is certain about the other.

Chairman Day asked if that doesn't presuppose that you are going to be able to find someone who is willing to offer their time to both boards.

Mr. Lipchik stated he does have an applicant. Bill Reinhardt, who is on the Zoning Board, applied to fill Mr. Lee's place and do both boards.

Mr. Lee commented that it is not unprecedented to the City. He actually had that honor many years ago. He wished everyone a very Merry Christmas and a Happy New Year and looks forward to the New Year.

**ADJOURNMENT:**

This meeting of the Wixom Planning Commission was adjourned on motion and second by Mr. Lee and Mr. Maher at 8:05 pm.

Jennifer Garrett  
Recording Secretary  
December 5, 2007