

**PLANNING COMMISSION MEETING
CITY OF WIXOM
49045 PONTIAC TRAIL
WEDNESDAY, JANUARY 2, 2008 – 7:30 PM**

Chairman Day called the meeting to order at 7:35 pm.

PRESENT:

William Day, Chairman
Phillip Carter
Kurt Gottschall
James Maher
William Henning

CITY CONSULTANT:
Rob Nesbitt, LSL

CITY STAFF:
John R. Lipchik, Building Official

RECORDING SECRETARY:
Jennifer Garrett

ABSENT:

Jim Crowley (unexcused)
Guy York (excused)
Patrick Fitzpatrick (unexcused)

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:

December 3, 2007 Regular

MOTION and second by Mr. Gottschall and Mr. Carter to accept and file the December 3, 2007 Regular minutes as submitted.

VOTE:

MOTION CARRIED

CORRESPONDENCE:

There was no correspondence received for tonight's meeting.

CALL TO THE PUBLIC:

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

Chairman Day 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 7:37 pm.

CONSENT AGENDA:

There were no items listed under the consent agenda for tonight's meeting.

TABLED MOTIONS:

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.

Mr. Nesbitt stated you have our report reviewing the special land use request. The specific comments begin on page two of our report so the preliminary material on page one really just outlines the nature of the request and then the process to be followed and we are in step B, the preliminary plan of special use review. As the Planning Commission is well aware, this site and the nature of this project have undergone a number of discussions in the past; and we summarized some of that on the top of page two. With regards to our review comments the most important first step that he thinks needs to be conducted by the Planning Commission is to determine whether the proposed uses and preliminary site plan meet the intent of the VCA policies as set out in your zoning ordinance. We note there that the associated site plan which talks about location of the buildings, the size of the buildings, the height and design of the buildings fall into some of our more detailed comments later in our report. We have noted on several occasions that the Planning Commission needs to decide whether the uses and the scale of the development is in keeping with the VCA guidelines, and we specifically note (and this is directly out of the zoning ordinance) that office and commercial uses be located primarily 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. So in that regard, Planning Commission's first charge we believe is to determine that direction is being met by the proposed uses and the scale of development.

Going into more detail issues, compatibility with the adjacent properties is at the bottom of page two of our report. We note there that the surrounding area is residential in nature; and we are concerned as discussed later in our report that the proposed medical office and the daycare center are likely not in compliance with this requirement due to the size, height, location, site design and traffic impact of the proposed uses and buildings. Following along that same line of thought, when the VCA area was set up and in that it tried to direct residential uses north of the Coe Railroad, the idea was to have it a transition from the west into the VCA Area. In that regard what you want to encourage on the west side of Wixom Road are uses that would serve that transitional activity. We just note there that the non-residential uses at the scale being proposed in this application, especially given the location midblock between existing single family uses, may not be considered good transitional uses; and again that goes back to the scale but also to the nature of the uses.

Mr. Nesbitt stated item (3) on page three of our report, your zoning ordinance does require that office (especially uses north of the railroad if they are going to be allowed) are intended primarily to serve residents of the VCA. Our point there is that given the scale of the uses being proposed and especially given that they are located midblock we are concerned that the uses may in fact not be specifically or primarily serving VCA residents but may actually be serving a much larger market area. In that regard if the Planning Commission were entertaining the proposed uses as proposed we would suggest that a market study be provided to you to verify the need for the scale of the daycare and office uses and whether the use of those activities by VCA residents is substantiated by the applicant.

Mr. Nesbitt stated our next point is with regards to the size and height of the proposed buildings. Our main point there is that the homes in the area are a mix of one-story and two-story buildings. The applicant's uses in scale of the development shouldn't set the stage for more intensive uses on the west side of Wixom Road. So we are concerned that if this use were to go forward as proposed that in effect what you would be doing is encouraging other similar types of activities to then perhaps make their case that they should be on the west side of Wixom Road, and in that regard the intent of it being a transitional area would then be lost.

Chairman Day questioned the date of the report Mr. Nesbitt was referring to, and Mr. Nesbitt answered December 20, 2007.

When Chairman Day noted that the commissioners did not have that report in their packets Mr. Nesbitt said that is a problem.

Mr. Lipchik told him yes it is problem and said you were supposed to provide those tonight.

When Mr. Nesbitt questioned this Mr. Lipchik stated yes.

Mr. Nesbitt then said okay, well we need to make copies then because that was not my understanding. He asked if that was something he relayed through Mr. Avantini, and Mr. Lipchik replied it was through Ms. Maise.

Mr. Nesbitt then inquired if he could make copies.

Mr. Lipchik asked if he had the report of December 20th, and when Mr. Nesbitt replied yes Mr. Lipchik said he could make copies.

Mr. Nesbitt apologized, saying that was perhaps our oversight from someone else in our office.

In that same regard Chairman Day asked Mr. Nesbitt if when we get to New Business for the actual site plan review he had a report for that also.

Mr. Nesbitt told him we included all of our comments regarding the special use and the preliminary plan in one report mainly because the nature of the uses and the scale of the development is the most important and pertinent point with regards to our report, and once you get beyond that issue then the preliminary plan is either going to be something t you are going to entertain or you are going to be looking for a lot of revisions.

At this point Mr. Lipchik left the meeting and made copies of the December 20, 2007 report for Mr. Nesbitt.

Mr. Nesbitt went on to say many of the issues are still outstanding with regards this between the two reports.

Chairman Day stated frankly from what you have stated the December 20th report seems to take a different tack then the previous report. He said in fact the November 7th report he had doesn't deal with the special use but only with the site plan. So this is the first report on the special use.

Mr. Nesbitt indicated in that it was tabled last month he believed that is the first time it is being considered by the Planning Commission.

Chairman Day said right but he doesn't recall from the last meeting if we had a report on the special use at that time, or there was no report given.

Mr. Nesbitt stated no we were advised before the meeting that the applicant was not going to be in attendance and it would be tabled, so there was no report. We had provided her report a week ago to the City so my understanding was the copies were in your packet.

Continuing, Mr. Nesbitt told the commissioners now that they had their report some of what he was talking about may make a little more sense at least as far as the order he was bringing them up. He asked if the Planning Commission would like a chance to read through that or if they wanted to follow along with their points.

Chairman Day said he thought he would like to have a chance to at least look through it before we go on, and he thought it was only fair to allow Mr. Stephens to do the same.

Chairman Day commented that in the Planning Commission briefs we received, both with regards to this tabled motion as well as with regards to the site plan review, there are recommended actions which appear to be inconsistent with the recommendation from LSL.

Mr. Lipchik told him that is not the first time you will see that. There have been disagreements.

Chairman Day said okay, it is unusual. He just wondered if at the time these recommendations were put in the Planning Commission brief if they were different, if Mr. Lipchik had the opportunity to review the LSL review letter.

Mr. Lipchik stated the latest and greatest he did not have which was supposed to be provided tonight. We had a couple of meetings over this, and we didn't all wind up on the same page.

Mr. Nesbitt asked in that regard if he was talking about the uses themselves.

Chairman Day said he wasn't at the meeting so he didn't know what Mr. Lipchik was referring to.

Mr. Lipchik stated we did have discussions with the applicant over uses because the last plan actually showed some retail on it.

Chairman Day said right. He knows that came up at our last meeting, and he understands that has been revised in the current plan; and Mr. Lipchik told him yes.

Mr. Nesbitt stated our main starting point is the fact that the Planning Commission needs to make a statement or a decision on whether the current mix of uses as proposed are appropriate for this site. There needs to be that clear direction given to the applicant on whether this intensity and mix of uses is what the Planning Commission clearly wants to see on the property. So a lot of it comes back to not only determining the uses but the nature of the density of the uses and also the scale and massing of the buildings because in order to move forward to final site plan stage that needs to be established in order to do any refinements to the site plan itself.

At this point Chairman Day told Mr. Nesbitt he believed the commissioners had had an opportunity to take a look at the review letter so if he wanted to continue he could.

Mr. Nesbitt stated so our comments as mentioned really begin on page two, and that is simply that the Planning Commission needs to make a determination that the uses and the scale of the uses are consistent with the direction the zoning ordinance gives with regards to uses on the west side of Wixom Road, north of the railroad. We basically leave it at that other than, as he noted, there are some other more detailed and finer points in the review that also need to be addressed by the applicant to the Planning Commission's satisfaction. Those begin at the bottom of page two of our report with regards to compatibility with the adjacent properties, and as he noted there the surrounding area is residential in nature. The west side of Wixom Road surrounding the subject site is single family residential, and then the east side contains the townhouse component that is Tribute VCA. We noted again that as discussed

later in our report the proposed medical office and the daycare center are likely not in compliance with the special land use requirement and specifically because of the size, height, location, some of the site design considerations and also the potential for traffic impacts because of the nature of the uses and the buildings. We then carry on to point two on page three of our report with regards to the transitional use that is intended on the west side of Wixom Road, and we note there that the intent of the zoning ordinance and when the VCA was established was to have a transition as you move from west to east; and the west side of Wixom Road specifically (again north of the railroad) was intended to provide some of that transitional use to the area on the east side of Wixom Road. Specifically in that regard we are concerned, given the nature of the proposed use and the scale of the development being proposed, that it may set the stage for the west side of Wixom Road no longer being a transitional area but actually being a very intensive and dense area of development.

Mr. Nesbitt stated item (3) on page three of our report again goes back to one of the points that is made in your zoning ordinance and that the ordinance requires that office and commercial uses north of the railroad are intended primarily to serve the VCA area. We are concerned and we make a point simply that some of the nonresidential uses, at the scale being proposed especially again because they are located midblock between existing single family uses, may not be that same supporting activity. So what we have suggested is that given the size of the proposed office and daycare uses we would suggest that a market study be prepared to demonstrate that the daycare and offices are going to be primarily serving the VCA residents because that is what your ordinance suggests should be the nature of those uses.

Mr. Nesbitt indicated item (4) on page three of our report has to do with the massing of the size and height of the proposed buildings. We note there that the existing uses in the area are primarily single family residential that are one-story and two-story buildings, and we do point out that the applicant's uses and scale of the development must not set the stage for intensive non-residential uses on the west side of Wixom Road. Again we simply note that, given the size and scale of some of those buildings, they may overwhelm some of the other uses that exist in that area. Having said that, we do recognize that the west side of Wixom Road (given that it is in the VCA area) is likely to be redeveloped in the future. We certainly understand that the density of that development may be different than what you see there now, but we are concerned that given the simple massing of the proposed buildings being a three-story office building that may set the stage for something that is very intensive on the west side of Wixom Road. So we don't disregard that there is going to be redevelopment on the west side of Wixom Road. We simply have a concern that this may set the stage for something very different than what you anticipated when the VCA was set up.

Mr. Nesbitt stated page four of our report has to do with some of the site plan issues, specifically and firstly the location of the proposed buildings and parking. We note there (point A of issue #5) that the south side of the proposed office building including the covered entrance is only seven feet from the residential property line, and we note that that is only 12 feet according to the site plan from the residential building itself. We also note that the adjacent home is a single-story structure, and the total height of the adjacent building again only 12 feet away would be approximately 42 feet. So you have a 42-foot building adjacent again to a low profile residential building.

Item B, the parking that is proposed on the preliminary site plan is set back six feet from the residents to the north; and we note there that the adjacent dwelling to the north is only nine feet from the property line. The preliminary site plan at its current form is proposing wrought iron fence along that north property line. We simply note there that that type of fencing is unlikely to provide the buffering or screening of headlights from the parking area.

We note under item C of issue (5) that in past discussions there were concerns regarding the location and intensity of the use of daycare. It was thought that this may be a relatively small operation; however, the

facility is designed to accommodate 100 children and eleven employees. We also note that the outdoor play area will be at the rear of the site within the 47.5 foot setback area which is adjacent to a single family residence. While some trees are being proposed between the properties, noise and other impacts not consistent with the surrounding development will result.

Mr. Nesbitt next referred to point (6) on page four, the amount of parking area and said commissioners have raised concern about the amount of parking area associated with nonresidential uses. We note there that 102 parking spaces comprising 37,272 square feet are provided. This is not in character again with single family development that was envisioned on the west side of Wixom Road.

Mr. Nesbitt stated with traffic impact we noted that at the last public hearing in December some residents expressed concern regarding increased traffic that could result from the development. One of the conditions of your zoning ordinance requires that office or commercial uses north of the railroad shall not create excessive traffic. In our minds the applicant must provide a traffic impact study that identifies the volumes during peak hours for the proposed uses and the impacts that would be created. The study should also compare the traffic that would be created by the proposed uses to the traffic that would be created by residential uses permitted on the property.

Mr. Nesbitt stated with item (8) on page four and as expressed in previous reports we continue to be concerned about the limited queuing space at the driveway. As proposed, only two cars can stack within that driveway area at any given time without conflicting with the adjacent parking spaces. We are concerned that peak time traffic generated by the daycare in addition to the office uses will result in conflicts and backups especially for left hand turns onto Wixom Road. Therefore, the recommended traffic study should evaluate onsite traffic circulation and recommend any necessary changes to the site plan.

Mr. Nesbitt stated with circulation we note there that drop off and pick up times at the daycare facility are always challenging when space is limited. To further understand the operations of the facility and impact on the remainder of the site and the surrounding area, the traffic study as discussed above must address the issue; specifically how that drop off and pick up activity is going to occur with regards to some of the other parking activities.

Mr. Nesbitt mentioned on page five, buffering with adjacent properties, our main note there is that as noted elsewhere in our report with the mass and scale of the buildings proposed total buffering and screening is not possible. In that regard we don't believe again that the necessary buffering has been provided as intended by your ordinance.

Mr. Nesbitt stated item (11) with regards to noise, potential noise uncharacteristic of single family development has been an ongoing concern. We note that noise from traffic and employees coming and going associated with a low volume less intense office use could possibly be compatible; however, daycare for 100 children is likely not. The outdoor play area in particular located at the rear of the property will negatively impact the adjacent neighborhood.

With regard to item (12), Mr. Nesbitt said while the current site plan is an improvement over past site plan efforts the site does contain a number of very significant trees; and while few are proposed to remain, most will be removed. Again, we simply note that that is not in keeping with the intent of the ordinance.

Mr. Nesbitt stated with regards to impact on future development again since the proposed is located midblock it will have an impact on future developments along Wixom Road. The size and intensity of the proposed development will encourage redevelopment of the adjacent residential properties to intensive

nonresidential uses. We also continue on. Such a development pattern would be contrary to the vision for the VCA district and would negatively impact nearby residents and would compete with the nonresidential uses on Pontiac Trail.

Mr. Nesbitt stated lastly with regards to building design, the commission envisioned that the property appear as an old historic house or inn with a carriage house behind it that converted to possibly office and daycare uses. While the design of the proposed buildings will likely meet this intent, the location of the buildings and parking and the mass and scale of the buildings are not compatible with the surrounding area.

Mr. Nesbitt told the commissioners with regards to our recommendation we would suggest that the application be tabled pending the submission of information to address the issues outlined in our report.

Alan Stephens, 2198 Forest Drive, Milford, MI, stated he would like to take a couple of minutes to review this with his architect and engineer landscape designer. He said we came here tonight with a presentation for site plan assuming we were heading toward a site plan approval for the project that we have talked about several times. He said he thinks we made many modifications, changes and adjustments to try to fit everyone's satisfaction and make it a nice project. He guesses he needs a minute after this report. It is quite different from the previous one in November, and after making all of our changes he felt we had come a long way of satisfying the zoning ordinances and the intent of the ordinances to fit what we are proposing on that property. He said he would let the commissioners direct him (if he gets a few minutes with his people) and if you want to open it to the public that is fine and then let us present our drawings and what we have done so far. We have put a lot of money and time and effort into it. He said he would let the commission kind of help guide him on this one because he was a little bit stifled at the moment.

Chairman Day said he did have one question for him. He knows we have discussed this in workshops on a number of occasions, and he has brought in renderings. He asked Mr. Stephens if any of those renderings included a three-story building because he thought they were all two-story.

Mr. Stephens stated the second rendering he believed is a three-story. They actually call it a 2.5 because the third story was a very small office (combination storage and office) depending on what the use on the first two floors were going to be.

Chairman Day commented the way it looks from the proposal is that the third story and the second story would have the same amount of square footage.

Mr. Stephens said he thought the gross third floor is around 4,000 square feet and the gross second floor is around 6,800 square feet, but he thought their original building when they had the smaller scale building was originally designed as a two-story. Then when they brought it closer to the road they modified it and made it a three-story.

Chairman Day told Mr. Stephens if he wanted to go ahead and confer, and we will open this up to the public for comment. He asked if there was anyone from the public that would like to address this case.

Sandra Noble, 499 North Wixom Road, stated she lives right next door to what he is proposing to do. His comment just a minute ago where he has put in a lot of time and money, she has invested that in her home. Her concerns are right now she walks a child to school. She can hardly get across Theodore Street, and she cannot fathom the thought of trying to fight this traffic coming in and out. Her concerns are too whether our children lose their right to play in our back yard. There is no way with a parking lot of 100 and something people that she would want her child out there if someone isn't sitting directly right

there watching; and a wrought iron fence nowadays is letting you see what is there, and a three-story building 12 feet away from her home, she doesn't know. That is all she has to say.

Holly Schmidt, 511 North Wixom Road, stated her concern is mostly traffic related. She leaves at a peak time to go to work (6 pm). At times it takes her three to five minutes just to get out of her driveway between church traffic and the traffic that is just normal on the road. If you are going add a daycare that has 100 children pickup time being 5 pm, that is 100 parents that are going to be picking up these kids. She doesn't see how she is going to be able to live peacefully and get in and out of her house to go to work. The building is extremely excessive as far as she is concerned to be amongst very small residential homes, and she thinks he should reconsider the size.

Rhonda Marshall, 3366 Theodore Street, stated it will be right behind her house; and her concern will probably be just mostly traffic and the noise. One hundred kids is a lot of noise.

Chairman Day asked if there was anyone else from the public that would like to address this case. He then stated with commission consent, rather than closing the public hearing at this time he would like to leave it open until after the applicant has made his presentation in case that spurs any additional comments. He thinks that is only fair to the members of the public who have had to come here twice already.

Chairman Day did want to say that he was disappointed in the way this has turned out tonight with the LSL review letter being dated December 20, 2007 which is two weeks ago. There are fax machines and other modes of delivery available and not to have this available for the City Building Official or for the applicant or for the commission he thinks does all of us a disservice and is really upsetting because he thinks especially since this was tabled last time there was plenty of time to get this together and get it to the commission. He knows Mr. Nesbitt was not here at the last meeting, but Mr. Avantini's comments at the last meeting did not hint at what was to come in their December 20th review letter.

Mr. Nesbitt offered that he was not there either so he doesn't know what transpired. According to the minutes, he didn't think Mr. Avantini even was an active participant.

Chairman Day told him yes he did. He talked about it.

Mr. Gottschall mentioned if you go to page five of the minutes you will see all of his comments.

Chairman Day stated some of his comments can be read as hinting at what was to come, but he thinks hinting is about the best you can go.

Mr. Nesbitt said he guesses going back to our November letter, most of the concerns we continue to have are the same as were expressed back at that time.

Chairman Day stated the concerns regarding the special use were not discussed at all in your November letter. Those are all brand new tonight.

Mr. Nesbitt said and that is because it wasn't considering a special land use application at that time.

Mr. Lipchik stated yes it was.

Chairman Day indicated this special land use was tabled from the last meeting.

Mr. Carter added that it was actually talked about in May as well.

Chairman Day stated frankly he really doesn't think we have much choice but to table this tonight to be fair to the applicant and fair to the public, to see if we can reach some sort of an agreement. He doesn't know what other members of the commission feel, but that is the way he is looking at it right now; and again he doesn't think that needed to be the case.

Mr. Carter stated he for one is definitely concerned. Especially reviewing back through all the previous comments, it seems like there is a trend where this project keeps getting bigger and bigger and more intrusive on everyone involved. He challenges anyone who lives in the City not to drive past there as part of their daily routine. It is pretty hard to do, and make as several of the public have said in the hearing it is going to make a difficult situation even bigger. He knows the one reoccurring theme that seems to have been coming up as he reviews all the previous minutes was several comments relating to this; and he thinks it was Ms. Tacy that said she thought it should be something that looks like it has been there for a long time like a converted inn. He knows Chairman Day had mentioned that.

Chairman Day said in fact Mr. Nesbitt had acknowledged that that probably meets that requirement (the design does), but he does agree that it has gotten larger; and he had not envisioned a daycare servicing 100 children either. He does that there needs to be some further discussion with the City, planner and applicant.

Mr. Nesbitt noted if you go back to our November report as well as our current report an underlying thing throughout both of those reports is that the nature of the uses may be okay if they were scaled down and made less significant as far as the nature of the activity associated with both the office and the daycare uses.

Chairman Day remarked it is possible that if the applicant had this review letter before tonight there would have been some communication that might have pushed things in that direction.

Mr. Nesbitt said he wouldn't disagree with Mr. Day in that regard, but our comments back in November regarding the setback from the adjacent properties and the scale of the buildings are consistent with our current concerns.

Mr. Carter stated in general as far as the use itself goes he thinks this definitely is something that can work, but as presented in the site plan he thinks it kind of exceeds all of our expectations from what we have been led to believe over the last year. He thinks yes there is a lot more that can be done and should be done in terms of traffic studies and even in terms of marketability. The last thing we want is anything being built that isn't going to be used and filled. It is just going to be another empty building in Wixom.

Chairman Day commented he can guarantee the last thing the developer wants is anything being built that isn't going to be filled and used.

Mr. Carter stated perhaps we should allow more time for everyone to really take a better look at all of this and get all of facts in a row. Again, if it is to act on something that was presented to him 15 minutes ago he doesn't know if he is really doing anyone in this community a service by making a decision tonight on it.

Mr. Henning said to be honest with you he did go over all the blueprints and the old packages to get some history on it. He doesn't think his opinion would change whether it would be today or we table it for a week, two weeks or three weeks because still a three-story building with two dwellings on it (two buildings of that size) is not going to change his opinion. He thinks it is just too big for a transition there. With only having one driveway for entering and exiting with the amount of traffic patterns in that area, he

again doesn't think is going to ever change his opinion on it. He doesn't think there is a good transition going to the City for it, and he doesn't think it is a good use of the land. The only argument he could have for them is that that property we are talking about (as well as some of the single family dwellings off of Donnelly Street) is VCA, and there was a purpose the VCA put that aside and whatever the homeowners respectfully offered it was still tabled to be VCA and we could develop that property and they chose not to sell it. Now it is presenting a problem because of the size of the building that is being proposed.

Chairman Day said he knows it is all zoned VCA; but that has nothing to do with the Tribute area and the purchase of the properties there, and he doesn't think anyone has approached necessarily any of these property owners regarding sale or development of that property at this point. That may happen down the road.

Mr. Gottschall told Mr. Nesbitt item (2) you speak of transitional use and you make a specific reference to low intensity office uses. He asked what he envisions as a low intensity office use if not a doctor or a dentist.

Mr. Nesbitt stated when we talk about low intensity office uses we were thinking more about the scale and the number of office uses as much as the specific uses themselves. He knows in the past there was some discussion, and it has been a bit of a moving target on what is being proposed; but he knows there were live/work thoughts in the past, and that would certainly be less intensive as far as diminishing the amount of office versus the residential character that would be on the site. Professional offices, whether it was architects or whatever it may be, certainly is going to be less intense than say medical offices; but he thinks the underlying concern we have is that just given the scale and amount of office uses as well as the size of the daycare you are going to have the potential for impacts on the intent of both the ordinance and the actual area in question.

Mr. Gottschall said because there are two separate and distinct issues here. There is use and there is size, and he thinks we need to bear in mind that those have to be separated. So if it comes to a doctor, a dentist or an architect office that is of a smaller scale and a daycare that is of a smaller scale then that is something that may be considered transitional.

Mr. Nesbitt stated yes and part of the transitional, and he thinks that is some of the concerns you heard from the residents. Certainly again going back to your ordinance, regardless of the fact that this area is going to eventually become something (maybe something that is different than it is now) there still needs to be some effort to buffer existing uses. There needs to be an effort to protect the neighboring uses that are currently in place through screening of parking areas, etc.; and we are just not satisfied that given the preliminary plan and the nature and intensity of the uses that that is going to be accomplished.

Mr. Maher indicated he would almost ask that we don't even move forward with the presentation at this time. He doesn't know what benefit we would have by having a presentation today.

Chairman Day asked Mr. Lipchik if he could see if Mr. Stephens could come back in.

Chairman Day then stated to Mr. Stephens that while he was gone we did hear some concern from the public with regards to the size and intensity of the use, and there were various comments from the commissioners as well. He thinks for those commissioners that are here (and he said anyone on the commission that wants to disagree with him was welcome to) but he thinks the sense is that this is a larger and more intense use of the property than we had envisioned, and that the uses proposed could very well be accommodated as a transitional piece in that area but the size of the buildings and the intensity of the use is something that really does not lend itself to that piece of property and that location. That having

been said, he thinks everyone feels bad that we were put in a position of just getting this report tonight and that Mr. Stephens was; and he doesn't think it serves any of us well to move forward on this in terms either approving or denying it. Rather than have Mr. Stephens try to present something off the cuff tonight he thinks it is the sense of the commission that this is something that should be tabled and allow the public to come back at a later date and speak again as well. He indicated he would like to get his reaction to that.

Mr. Stephens stated he was comfortable with that. He guesses he would like to know from the Planning Commission's standpoint, to understand exactly the use that we are proposing but on a smaller scale is what he was hearing because we talked about this a couple different times. He has had a couple of different designs and thinks one of the designs was the same use with three buildings proposed (smaller buildings) and then we ended up with the bigger one in the front, and so we have kind of gone around here a little bit.

Chairman Day said right, and he doesn't think any of us (certainly not him and he really doesn't know if anyone else had) considered the size of the operation of the daycare Mr. Stephens was proposing. We all knew it was going to be a commercial daycare facility (not the mom and pop in-home daycare); but he thinks 100 children was something much more than we had anticipated, as well as in terms of its impact on the neighborhood with both traffic and noise generation. He thinks it would behoove Mr. Stephens to meet again with LSL and with the City and try to come to some sort of accommodation that is going to meet the concerns we have and the residents have with regards to the size and intensity, and hopefully we can get him moving on this project in a way that makes everyone if not happy at least less unhappy.

Mr. Stephens indicated he could agree with that.

MOTION and second by Mr. Carter and Mr. Maher to table both the public hearing for special use #01-010 and SPR #31-927-07 for the Wixom Day Care and Office Village until a point when the applicant is ready to re-approach the commission.

VOTE:

MOTION CARRIED

Chairman Day thanked the members of the public who came here to speak tonight and share their concerns and said when this does go back on the agenda they are certainly welcome to come back and address us with their concerns once again and to listen to what the applicant and our City planner have come up with. Given the fact that it was tabled without a date, he would ask that the notice be sent to the public again regarding the rescheduled hearing so they are made aware.

NEW BUSINESS:

SPR #31-927-07 WIXOM DAY CARE & OFFICE VILLAGE, ALAN STEPHENS, P.O. BOX 122, UNION LAKE, MI 48387: The applicant is seeking to construct a 7,809 square foot day care building and a 22,129 square foot, three story office building on 1.85 net acres. The property is located on the west side of Wixom Road, south of Maple Road and zoned VCA, Village Center Area. The tax parcel numbers are 17-31-426-037/012.

This SPR for Wixom Day Care and Office Village was tabled along with the public hearing for Special Use #01-010 by the motion above made by Mr. Carter and seconded Mr. Maher.

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.

Mr. Nesbitt stated you do have our report on this special use application. With regards to our comments on the application, we are suggesting on page one of our report in the first point underlined that for us to do a thorough review of the application we believe that a complete site plan that is updated and current is required. We have received no such site plan to date. So that is something that we would ask from the applicant.

Mr. Lipchik indicated he was going to have to correct and said you did receive it. Ms. Maise or you did receive it. We sent it in a pdf.

Mr. Nesbitt stated yes and said that is what he meant by complete and current. The site plan that was provided to us is dated from the original development of the site, and we are not sure whether that is up to date with regards to what is on the property now. He told Mr. Lipchik he was correct, and we did get a drawing emailed to us that showed a portion of the site. We are simply suggesting that the site plan be updated and dated at least to reflect the current situation on the property.

Chairman Day asked to what extent a site plan impacts on a special use.

Mr. Nesbitt stated any time you are doing a special use application a site plan is a possibility for the Planning Commission to request in that you only get certain opportunities to actually update properties, and one of them is at the time of a special land use application. So if nothing has changed on the site then he guesses it is a matter of simply re-dating the existing site plan to reflect that. He said if that isn't something of interest to the Planning Commission and you are satisfied that the property in its current form is adequately understood then so be it, but typically we would like to see what the current layout is even from the standpoint of whether the parking on the site still reflects what was shown on the previous site plan which is a number of years old. So that is why we have suggested that there be a current and up to date site plan, but that is for the Planning Commission to determine.

In that regard the second point of our report is under section 1B. We would like to see a complete use statement provided on that site plan; however, its form is going to be to satisfy the Planning Commission that notes the hours of operation, the number of participants, frequency of use, etc. That typically is something you have required to be provided on a site plan so you can go back and determine whether those facts continue to be in effect and current at a future date. Along that same line at the bottom of page one of our report with regards to the special use standards we note there that the Planning Commission may grant special use approval if all of the requirements and conditions of your ordinance are met. Our comment there is to please note that since the complete special use application has not been provided it is difficult to determine if the proposed use is in compliance, and we simply suggest that page two of the application (which was not completed when we received it) needed to be completed as required by the City.

Mr. Lipchik stated that was completed and turned into Mr. Nesbitt's office.

Mr. Nesbitt said right. Further to that report of December 11th, we have received that sheet. With regards to general standards, on page two of our report in the middle of the page we again note that to fully evaluate the standard of whether the use is consistent with and promotes the intent and purpose of the zoning ordinance, certain information is required to satisfy that condition. Namely there needs to be information on the entire building and that it is going to be occupied by more than one use; and those information points are noted in the middle of page two, namely details of all existing uses in the building including any outdoor storage. When we did carry out a site visit we noted that their rear of the building

is currently being used for outdoor storage which was not shown on the previously approved site plan. Parking calculations based on current requirements for the existing uses and the proposed use need to be provided. Circulation including drop off and pick up traffic patterns and any proposed fire lane and no parking signs must be included.

On that point and further to what Mr. Lipchik noted as far as a plan being provided to us, there was a couple of notes included as far as line drawings that indicate where traffic would circulate on the site and where some of that drop and pick up activity would occur; but again because it wasn't shown on a detailed site plan we weren't able to determine whether it would be satisfactory or not. Information on any accessory structures or uses including waste receptacles, light poles, fences, signs, etc. again as part of a complete site plan should be provided. A landscape plan; again if any proposed landscaping is envisioned that should be shown on the updated site plan. More importantly probably with regards to the nature of this use is item F, a floor plan for the entire building; and the proposed recreation area should be provided so again we can determine what uses exist and the intensity of the use with regards to the current tenants as well as proposed tenants because again that leads directly to determining whether things such as parking is going to be adequate for the use being considered. Then if any portion of the façade is being modified that should be shown on the site plan. It is possible the applicant may be doing some external changes namely with regards to perhaps the entrance into the building. We would simply like that to be clarified by the applicant, and again if there are any changes those should be on the site plan.

Mr. Lipchik asked if Mr. Nesbitt had seen this letter and said it tells you exactly how many parking spots and everything.

Mr. Nesbitt stated while that may have been provided we would like to see the interior because with regards to this type of a use if it is simply going to be courts where you only have the participants attending the site that is one thing, but if they are going to be holding any sort of events or having any seating that is certainly going to change the nature of things such as parking. That is why we would like to see a layout of the building and the interior layout of this proposed use specifically.

Chairman Day interjected which is addressed in this response to the review which says there will be no spectator seating as this is a training facility only.

Mr. Nesbitt said right and again it would be preferable to see it in a site plan form rather than a written form. But again if the Planning Commission is satisfied with this being attached in some way to your approval then certainly that can go back to or can be assigned as a condition.

Chairman Day asked if the special use is approved if this comes back to us for a site plan review.

Mr. Nesbitt told him that is dependent on whether you want to see a site plan or not. We are suggesting that there should be a site plan, but certainly if you want to have a site plan provided that indicates some of the information we are suggesting it should be shown. You can certainly put that as a condition subject to administrative review and approval. So that is another way to handle it.

Mr. Nesbitt went on to standard (2), whether or not the use involved is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities. He said our main point there is that we have suggested that light industrial uses currently exist on the site. To confirm that there will be no conflicts with existing uses, information on the frequency of truck traffic, limits of outdoor storage and any other industrial impacts must be provided. Therefore, a conditional special use approval must state that this approval is for a volleyball training facility only and does not allow other commercial recreation uses unless approved by the Planning Commission. Again we would prefer to see that noted on the site plan, but that again can be handled as a condition of approval.

Continuing, Mr. Nesbitt stated lastly with regards to general standards, whether or not the use involved is consistent with the public health, safety and welfare of the City. We note there that since the use is limited to a low intensity commercial recreation establishment the impact on surrounding properties will likely be little if anything. However, as noted elsewhere in our report, additional information including site plan is required to verify this.

Mr. Nesbitt stated with regards to specific conditions, uses shall include both indoor and outdoor uses "such as but not limited to" and then there is a full range of types of recreational activities. Our comment under that specific condition is that a floor plan must be provided to determine the uses proposed. It is assumed that the primary use will include courts; however, this must be verified. Information must also be provided on the amount of spectator seating in the facility. He said again at the time this report was written we weren't in possession of the report Mr. Lipchik just handed to me which indicates there will be no spectator seating. With regards to access, item number two with regards to specific conditions, access to the proposed site is from Pontiac Trail which is a 50-foot-wide right-of-way. From the center line a 60-foot-wide right-of-way is planned, and the applicant could consider this dedication as part of the proposed development. So he said the Planning Commission has that opportunity at this point. If you view that that is a little bit too much to be requesting as part of the special use application you could certainly wait until a subsequent application in the future, but certainly that is something to consider at this time.

Mr. Nesbitt mentioned item (3) the expected traffic generated by such use and said we note there that traffic generated by the volleyball training facility will likely be limited, and the hours of operation will likely not conflict with truck traffic in the industrial park. This must be verified if the facility will be open when the existing businesses are open where parking could be an issue. Truck deliveries for these adjacent uses must be described and routes illustrated to determine if any vehicle/truck conflicts are likely. We are aware that the applicant is proposing some training activities from four in the evening on, so there is the potential for a conflict with the existing uses on the site. That is something the applicant should clarify with regards to how much activity is going to overlap with some of those existing uses.

With regard to item (4), Mr. Nesbitt stated the use must be located within 800 feet of a major thoroughfare. We simply note there that Pontiac Trail is only 100 feet away, so that condition is met.

Mr. Nesbitt stated item (5), with regards to the setbacks we simply note there again because the existing building is what it is that that requirement has been met.

Mr. Nesbitt went on to say item (6), parking shall be either on the same lot or on lots under the same ownership and control within 300 feet of the building. We note there that while there are no specific requirements for volleyball training facilities in the zoning ordinance a similar use would be an indoor tennis facility, and this requires six spaces per court. The applicant may also provide additional information that explains the number of parking spaces needed for this use. Once the number of spaces has been determined and the relationship to the other uses in the building that share the parking area, the location of the parking for the proposed use can be reviewed. So again that goes back to understanding the parking needs of those existing uses as well as matching up the intensity of the use by the applicant and how many parking spaces they believe need to be provided for their use.

Mr. Nesbitt stated item (7) again with regards to parking, the Planning Commission may require that a parking demand study be provided. Our comment there is as noted above. Information on parking expected for the proposed volleyball training facility and the relationship to the other uses must be provided to determine if sufficient parking is available, and again because some of the hours of operation may overlap there needs to be a clear understanding by the Planning Commission that all of the uses can operate simultaneously at least for a part of the business day.

Mr. Nesbitt indicated item (8) has to do with curbing of parking areas. Based on the plan provided to us, curbs are only provided around the landscape islands. We understand that at the time the industrial park was developed curbing was waived for that site, so there is nothing required there.

Mr. Nesbitt stated pedestrian access shall be provided between activity areas and shall not conflict with vehicular operations on the site. We note there that the entrance to the facility is at the front corner of the building. We recommend that a sidewalk connection from the side parking spaces to the entrance sidewalk should be considered.

Mr. Nesbitt went on to say internal landscape shall be provided as determined by Planning Commission. A landscape plan must be provided detailing all existing plant material and any proposed landscaping to minimize cut-through traffic from the site to the east which has more convenient parking than some of the parking on the subject site. We are concerned that there may be a tendency for some attendees to park perhaps on the adjacent site. One way to discourage that is to have additional landscaping that again serves as a screen and discourages people from using the adjacent site to cut through to the proposed use.

Mr. Nesbitt stated item (11) has to do with any special use abutting a residential district. This site does not abut such a district and therefore is not relevant.

Item (12) with regards to building design and materials, we note there that if any modifications are being proposed to the building there should be a drawing provided to show any of those changes. Again if any signage is proposed with regards to such things as drop off or pickup or no parking areas again to discourage conflicts with any pick up or drop off we would suggest that that signage be detailed by the applicant.

Mr. Nesbitt stated lastly with regards to item (14) provisions shall be taken at the discretion of the Planning Commission to ensure that excessive dust, noise, traffic, etc. are not inflicted on adjacent properties. Our only comment there is that information on the existing uses in the building again should be included, and a lighting plan that includes a photometric grid must also be provided.

So those are our comments with regards to the use as proposed. Most of them are fairly minor, and Mr. Nesbitt thinks can be clarified by the applicant. In general the use being proposed is appropriate for this building and we believe would be a positive addition. The lack of some of the finer points he thinks is our main concern just to determine that all the existing uses as well as the proposed use can operate in concert with one another.

Chairman Day asked with regard to the landscape and the possibility of a cut-through if that is something that has been a problem on that site.

Mr. Nesbitt said he didn't believe so because it hasn't been a public type use. It has been light industrial in nature. We only point that out from the standpoint of there is at least a possibility of discouraging that. Given where the location to this entrance is going to be located we simply note that some of the parking spaces on the adjacent property are going to be a lot more appealing perhaps during inclement weather or to make a quick run in if you are running late to a practice or what-have-you. So landscaping can be one effective way to discourage some of that from occurring. Whether or not it becomes an issue he guesses perhaps we will wait and see.

Chairman Day asked what the adjacent use is, and Mr. Nesbitt replied that he thinks it is another industrial user.

Mr. Lipchik stated yes it is. If you will recall when we were helping to plan out that Century Industrial Park all the parking lots interlock so we have access for fire trucks, and that has always been the way it has been.

Chairman Day commented that given the hours of operation he can't imagine that it would conflict with the adjacent use's needs for parking, and he can understand where they might not want to have parking for another business on their property; but he assumes they can post that if it were a problem.

Mr. Lipchik advised that there are in place easements for that whole park, shared parking easements.

Chairman Day said he doesn't see where this use merits requiring any greater landscape than any other use. Others on the commission may disagree but he doesn't see it. The sidewalk perhaps is something we need to consider, and he sees that the applicant has indicated they are willing to take that into consideration.

Mr. Lipchik remarked that this building has not changed since it was built.

Chairman Day stated he sees that there is no change proposed. One of the things the applicant didn't address is signage, and he would like to ask the applicant about that; but he sees that there are no external modifications at all proposed to this building. Basically the only internal modifications appear to be the removable floor, but perhaps the applicant can speak to that.

Mr. Henning asked if there are locker rooms or a place for changing clothes in this facility at all.

Mr. Nesbitt said again, he thinks that is for the applicant. We don't have any information on that.

Kurt Bagg, 6881 Chicago Road, Warren, MI 48092, stated he was encouraged by the fact that they are actually encouraging our participation even though it is with prejudice based on the various items which you can see he has addressed. He said he would address Mr. Henning's question about locker rooms. No, there will be no locker rooms and the reason for that is very simple. We also own a 75,000 square foot facility in Warren so this will be our second facility. We want to move into the Wixom area and will likely build our own building probably within the next couple of years. This is only a one-year lease. This is a "get me by until I can get my own place built" kind of thing.

Mr. Bagg said the only modifications we will be making at all to the facility are we are going to be laying a rubber surface (a rolled out rubber surface) and then sport court on top of it. He doesn't know if any of you do any kind of roller hockey or your kids play roller hockey or anything like that, but they make a material called sport court that is a snaps-together type thing. It is the same thing we have in Warren. They use it for basketball, and about tennis is the only thing they don't use it for. If you watch basketball or any kind of NCAA volleyball it is all played on the same surface.

Mr. Bagg indicated most of the things he had addressed he believed in his response letter that is dated December 23, 2007. He said once we got his initial letter (which sounded like what he was reading from) we tried to address that as well (himself and Kevin Schonscheck). Most of things have been addressed. There is no storage on the facility. Again, parking is not only agreed to through the shared usage but it is also in his lease that he can use all the additional parking. He has talked to all his neighbors, and they all think it is a great idea and are all excited about it so parking was not an issue for them. Circulation, it is not detailed on the site plan because there is essentially only one way in and out of the facility. So there is not really a circulation pattern that he can develop for it other than you pull in and pull out.

Mr. Henning said that is in the front of the building, correct? There is access to the back of the building.

Mr. Bagg stated there is access in the back and if people want to park back there he guesses he doesn't have a problem with it. We have four courts that are detailed on the plan, and basically all that is going to be in that building is just these courts. Well, obviously nets and things like that that go along with it; but that is all there is going to be to it. So we don't expect parking to be an issue, number one, because of the fact that the only kids that can drive are kids that are 16 to 18. He then said he guesses he should probably tell you what our business is. We run the largest volleyball club in the State of Michigan, probably the second or third largest in the country. We grow by probably 20% to 30 % every year. Last year we had about 900 kids in our program. It is club volleyball, the same thing as club soccer or club hockey. So it is that same type of thing except it is volleyball for girls, and it is girls ages 10 to 18. So what will happen is the 4:00 to 5:30 or 4:00 to 6:00 time frame practices will only be 16 and older kids because frankly their parents can't get them there much before 6:00 in order to go home and eat and do those types of things. So the majority of the practice time will be conducted between 6:00 and 9:00 pm. Our Warren facility runs from about 3:30 in the afternoon to about 9:00 at night. We are actually open until 11:00 but from 8:00 to 8:30 we start adult open play. On weekends practices are normally 10:00 am to 2 pm and maybe 10:00 am to 3:00 pm depending on how many groups are trying to get in there. So it is not like we are going to be in there putting in a ton of hours in the place.

Mr. Bagg stated it is really primarily designed to be a geographically desirable place for people that live on the west side of the Detroit Metro Area. We will probably be building another one in Pontiac and that is the whole idea. We were trying to just make it more convenient for our families. It is not because we can't force them all in one location because we very easily could, but it doesn't allow people the opportunity to participate if they have to drive all the way across 696 at 5:00 pm which is no fun if you have ever done it. So that is kind of where we are at. The diagram like he said is on there. It is a one-year lease. As Mr. Lipchik stated there are no changes to the building. That is why we didn't update the site plan, because it is exactly the same building as it was when you approved it and they built it. As far as signage goes the signage will be simple, and it will be whatever your current ordinances say. He said he is not going to look for any kind of deviation or anything like that. All his families are going to know where it is at. It is not like we are trying to turn it into a Total Sports Center or Total Soccer kind of place or anything like that. This is primarily a private facility. When we build our own Total Sports size center then we will come to you and look for different variances on signage and things like that.

Chairman Day 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 #07-011 was closed at 8:59 pm. Mr. Day stated personally he is comfortable with this as a special use, and given the statements made by the applicant in the reply letter stamped as received by the City of Wixom on December 21, 2007 he would be comfortable with approving this contingent on the applicant holding to the statements there.

MOTION and second by Mr. Gottschall and Mr. Carter to approve Special Use #01-011 contingent upon the applicant's commitment to reviewer's comments and the letter received by the City of Wixom on December 21, 2007.

VOTE:

MOTION CARRIED

WAIVER REQUEST #07-012: FOR LITTLE PEOPLE – SUSAN KENNEY, 3369 THEODORE EAST, WIXOM, MI 48393: 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 49335 Wainstock and zoned VCA, Village Center Area. The tax parcel number is 22-05-105-013.

Chairman Day stated it was his understanding that the applicant had requested that this item be tabled.

MOTION and second by Mr. Gottschall and Mr. Maher to table Waiver Request #07-012 until the next regular meeting of February 3, 2008.

VOTE:

MOTION CARRIED

DISCUSSION:

WAIVER REQUEST #07-013: ALEX'S PIZZERIA – DINO GROSSI, 49115 PONTIAC TRAIL, WIXOM, MI 48393: The applicant is seeking a waiver request 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 49000 Pontiac Trail and zoned VCA, Village Center Area. The tax parcel number is 17-32-354-008.

Mr. Nesbitt stated at the time we were provided information from Mr. Lipchik regarding the conceptual form of a sign being proposed by Alex's Pizzeria, in that regard we gave Mr. Lipchik just some initial thoughts on what we believe were issues with regards to the sign. He explained that is why you have simply a copy of our email to Mr. Lipchik rather than a full-blown report.

He said we do have a number of points to make with regards to what is being proposed. Namely, the sign is a projecting sign. Projecting signs are permitted in the VCA, but the proposed sign is significantly larger than what the VCA language allows, namely that projecting signs are limited to six square feet whereas the proposed sign is significantly larger than that. Our second point was with regards to the design of the sign. We do have a concern that the sign in its proposed form is not particularly consistent with the traditional design intended for the VCA District. In our view the proposed sign is more characteristic of something you would find probably in the 1950's rather than what he thinks you are looking for the VCA.

Mr. Nesbitt stated item (3) of our concerns is the sign includes an arrow that appears to include bare light bulbs and/or chasing lights, both of which are not permitted by the VCA district. Lastly the sign appears to be constructed as a box sign, and such signs are again not allowed in the VCA District. So overall we have a concern that the proposed sign would not promote the intended character and appearance of the VCA district. So that is as far as we took it from the standpoint of the nature of the sign, and he thinks it is significantly different than what was envisioned when you put together your VCA sign regulations. Certainly anyone has the ability to come forward and request a waiver from the Planning Commission, and he thinks tonight's meeting is largely to have some initial thoughts on whether this is something you are going to entertain or not.

Dino Grossi, 49115 Pontiac Trail, Wixom, MI 48393, stated he was a resident of Wixom at 3420 West Maple Road for 20 years. He got married a year ago and is living in a condo in Farmington Hills and also owns Volare's next door which he considers his home because he is there 120 hours a week.

Chairman Day wanted to congratulate Mr. Grossi on the nice article and review he had in the Oakland Press.

Mr. Grossi thanked him and went on to say our feeling with this downtown that is being built here is that when we built the restaurant we were approached by Covington Properties and Cohen who built the building across the street. Pretty much they told us they had signed leases with chain restaurants like TGI Friday's and named a few of them. For us we had initially 6,000 square feet across the street, but then the way the economy went and everything else we had to downscale for us to put this investment across the street. At the beginning when we built Volare we had the permit for the sign which was a back lit sign. Then somehow the permit got lost. Then we had to reapply; and they said they had new VCA require-

ments that said unlit signs, which is terrible for the City and for this downtown area to promote anything. Any retail restaurant or retail chain needs signage; it is like a must. For us across the street initially he thought that the City wanted to be like an historic 1950's type of downtown.

Chairman Day told him it is earlier than the 1950's.

Mr. Grossi stated the only thing is that in order to generate foot traffic and people to come down here you need to have visibility and with a nice sign. It is all about marketing and branding and so forth. These other places across the street that have just these signs that are glued to the wall, it is kind of hodgepodge. It doesn't really look like anything historic. If you went to Birmingham there is millions and millions of dollars invested there, and then you can probably get away with that; but over here he doesn't think you can. He thinks you need signage. You have to be visible to see that, and that is why we came up with this idea with a projected sign to come out so it will be visible both ways. We have approximately 80 feet of frontage on the building across the street. That is two stories which is like 39 feet high, and personally he thinks it would be a compliment to this downtown area, not to detract from anything. He thinks it would look good.

Chairman Day said as much as it pains him to say this given the investment Mr. Grossi has made in the City and his family's support of the City (which he very much appreciates), he has to agree with Mr. Nesbitt on this sign. It is not what we were looking for in the VCA; and if one sign like that goes in it opens the door for many of them, and they get lost in each other. Mr. Day really thinks his business is better served and the community is better served by more understated signage, such as is used in Birmingham or Northville or other cities. He doesn't think that's making Wixom look like a little Las Vegas, but he thinks if we get a lot of bright glaring signs it is going to detract from the charm we are trying to obtain here. He is very glad to hear and read the comment that the Volare business has never been better and despite issues he may have had with signage. He knows we don't have the entire commission here tonight, but his belief is that if Mr. Grossi comes to us with this sign it is not going to get approved. He would be better off going back. Chairman Day thinks the idea of a projecting sign is great if you can light the sign from external lighting sources. He thinks it could look terrific and really compliment the building and compliment the downtown.

Mr. Grossi mentioned even if you go to downtown Milford they have projecting signs that are neon lit. If you go into Novi they have Mongolian Barbeque. They all have projecting signs that are neon lit. He thinks if you drive through Northville you will see projecting signs that are lit.

Mr. Gottschall stated not in Northville. Novi he agrees with, but Northville and Plymouth absolutely not. Everything has to be lit with gooseneck lights. He said we just went through a recent look at different communities around and what they allow for signs and saw different examples, and some are even stricter than what we have set forth. Some are more liberal like Mr. Grossi said with Milford and Novi and whatnot. Speaking for himself, he said you guys once you get the doors open across there and have a nice sit-down pizzeria it is something no one has anymore. It is so hard to find. We drive down to Valokas on Warren Avenue; we go different places. You just can't find them. He thinks Mr. Grossi is going to do fantastic over there. He prays that he will and thinks with his product he will do fine. He doesn't think he is going to need a sign like this to do well.

Mr. Henning indicated he liked the sign. He thinks it is very clever, but he does have to agree with everyone else's comments. He said if you open the door for your sign someone else is going to force the issue. Well, their sign is the same size or it is neon and "How come I can't have a neon sign?" That is why you try to develop the standards for it, and unfortunately businesses like Mr. Grossi's sometimes get hurt by it; but with the thought he put into this sign, the cleverness of the design he put into it, he thinks he could come up with something that could be lit differently that would still satisfy him.

Mr. Henning then asked if this is the same Alex's that was on Beck Road, and Mr. Grossi replied yes.

Mr. Henning told him he has great pizza. The restaurant concept is great, and he doesn't think he has a problem with it at all.

Mr. Grossi commented if you have to sign the rent check then it is easier to say.

Chairman Day stated we have standards that we gave a lot of thought to before putting them into place. Like he said, it really pains him in this situation because he very much appreciates Mr. Grossi's family's investment in this community. Volare's is a terrific restaurant, and he tries to get all his friends to go there. What Mr. Grossi has done and the fact that he had the faith in the City to put in a restaurant of that caliber here he just thinks is absolutely terrific, and so it really pains him not to be able to just say yes go ahead; but he just can't do it.

Mr. Grossi asked so what do you suggest?

Chairman Day told him to meet the signage requirements. Again, he thinks a projecting sign that has external lighting that projects onto the sign and shows his product can really be effective. Maybe given the fact that it is a corner establishment there might be some reason to give a variance in terms of size or something like that. He said he loves this sign. He thinks it is a terrific retro-looking sign. It just doesn't fit for this location. Like he said, he would like to give him whatever he wants but just doesn't think he would be serving the community to do that.

Mr. Gottschall stated Birmingham is a great example. They have some very creative signs as far as colors with projection lighting on them. They have some great signs down there that are alternatives to this, but that is what he takes as a possible inspiration to go look around there. He said he loves the sign too.

Mr. Nesbitt requested to just add one last thought. Given that the site in question is a corner tenant, the VCA sign regulations do allow more than one sign for Mr. Grossi's use. So certainly mixing (whether he wants to do more than one projecting sign) or mixing wall signage with a projecting sign could be pretty effective he thinks in giving the advertising he is looking for.

Mr. Gottschall asked Mr. Grossi when he expects he is going to be good to go over there, and Chairman Day added that people keep asking us.

Mr. Grossi stated we had some issues with the contractor, but we are shooting for February.

CALL TO THE PUBLIC:

There were no comments made by the public.

COMMISSION COMMENTS:

Mr. Gottschall had a couple of questions. He wanted to ask Mr. Lipchik if he had the chance to follow up on the building with the monstrous appendage on the top of it over there at Beck and Cartier that we discussed. It was funny. He was driving down the street the other day with his family. We were going to the theater, and we drove by it and Keenan looked up and said "What the heck is that? Who approved that?" He said he'd have to ask himself because he didn't know; and another thing about that building is that there is no screening on the windows, no tinting at all. So you can look right into it. So he thinks there are a couple of things with that building. He didn't know if Mr. Lipchik had heard.

Mr. Lipchik said let me elaborate a little bit. He shared that the units that are mounted on the roof had to be installed before any screening could be installed because obviously you pick it up with a crane, set it. That is right in the review comments because he went after our last meeting, and it is all listed there.

Mr. Gottschall stated so it is supposed to be screened and Mr. Lipchik replied yes. He added that they will have to build around that.

Mr. Gottschall asked what the mechanism is to make sure they comply with that, and Mr. Lipchik replied they don't get a Certificate of Occupancy (C of O).

Mr. Gottschall inquired if they are already working in there.

Mr. Lipchik advised they are trying to set machinery, but they are not operating.

Mr. Maher questioned if this is Adept Plastic.

Mr. Gottschall told him it is the one that is on the east corner of Cartier, the big building. It is a nice looking building, but when you drive by you are drawn towards this. He then mentioned that the other question was about the neon he brought up over at Moe's on the Avenue.

Mr. Lipchik stated that is on our list. Unfortunately we have had a few items. He has a list that continues to grow. Unfortunately we have had some difficulties with a certain manufacturer in this community that had a fire a couple of years back, and that is where we have been concentrating our efforts. But yes, it is on the list.

STAFF COMMENTS:

Mr. Nesbitt just wanted to apologize to the Planning Commission. He said as uncomfortable as it is for you to not have things run smoothly as they did earlier today, it is equally frustrating to me. Whatever happened at their end he is certainly going to bring to whomever's attention that it needs to be brought to. So he apologized.

Chairman Day commented it came to mind as things were going on that he didn't envy being in Mr. Nesbitt's position either because he has been there, and it is not fun.

Mr. Nesbitt stated again he is sure the holidays played a part of whatever, but it is no excuse for not being in sync with whatever needs to be presented to you.

ADJOURNMENT:

This meeting of the Wixom Planning Commission was adjourned on motion and second by Mr. Gottschall and Mr. Maher at 9:20 pm.

Jennifer Garrett
Recording Secretary
January 10, 2008