

**PLANNING COMMISSION SPECIAL MEETING  
TO INCLUDE A STUDY WORKSHOP SESSION  
CITY OF WIXOM  
49045 PONTIAC TRAIL  
MONDAY, FEBRUARY 25, 2008 – 7:30 PM**

**APPROVED  
03/24/2008  
as corrected**

Chairman Day called the meeting to order at 7:37 pm.

The Pledge to the Flag was given.

**PRESENT:**

William Day, Chairman  
Phillip Carter  
Jim Crowley  
Kurt Gottschall  
Cory Lupinacci  
James Maher  
William Henning  
Guy York

**CITY CONSULTANT:**

Carmine Avantini, LSL  
Jeff Purdy, LSL

**CITY STAFF:**

John Lipchik, Building Official  
Mike Dornan, City Manager

**ALSO PRESENT:**

**ZBA MEMBERS:**

Jim McNeff  
Dennis McMillan  
Bill Reinhardt

**RECORDING SECRETARY:**

Jennifer Garrett

**ABSENT:**

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:**

**February 4, 2008 Regular**

**MOTION** and second by Mr. Gottschall and Mr. York to approve, receive and file the February 4, 2008 Regular Meeting 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 7:40 pm.

**CONSENT AGENDA:**

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

**TABLED MOTIONS:**

There were no tabled motions listed on tonight's agenda.

**UNFINISHED BUSINESS:**

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

**NEW BUSINESS:****Overview of the Zoning Ordinance Revisions provided by LSL, followed by Commissioners' comments, questions and answers.**

Carmine Avantini introduced himself for those who might not know him, saying he is a partner with LSL Planning and with him also was Jeff Purdy who is also a partner with LSL Planning. He said we're here for tonight to go through the draft zoning ordinance we have been working on with the administration to get it to you. What we have given you is a summary of the key changes from the previous ordinance to this ordinance. Our goal tonight is not to spend a lot of time dealing with details or word-smithing or that sort of thing. If you see something like a typo or there is something in there that is more detail-oriented like that feel free to kick it to us (either email it or give it to Mr. Lipchik), and we will make those changes like that. There are a lot of policy issues that go into the zoning ordinance, and what we would like to do tonight is to be able to get through those policy issues with you and not get caught up on too many little details. So that means if you have something that is just all encompassing in your mind and is really important we can get in there and discuss it, but our goal overall is to be able to move through it methodically and hit all of these policies. He indicated he was going to go through just an overview of the revisions we have made from the previous ordinance to this ordinance, and keep in mind too that this ordinance is based upon the new master plan we worked with everyone on that was ultimately adopted by the City.

Mr. Avantini stated in terms of process, the process is a little more fluent especially when we get to the review process. Originally we anticipated just having the Planning Commission review separate from the ZBA, and the decision was made to bring the boards together to review jointly. The process changes a little bit here and there, but we still get the right people involved in terms of getting those policies reviewed. Ultimately there will be a Planning Commission public hearing held. This ordinance will then go to the City Council for their adoption, which is the goal.

Mr. Avantini stated in terms of the revisions some of the things we have done in this ordinance and one of the things we consider very important is making the document more user-friendly. As much as you can make a zoning ordinance user-friendly, it is still a legal document. Just so you know too, the changes we have made in this ordinance we have also done it jointly with the City Attorney, Carole Rosati; and some of the sections she even wrote. So we have to have legal opinions in the work we have done. These are the revisions:

- A new one family residential district with half acre lots has been added which is called RA-1. Some of the existing districts have been renamed and in the R-4 side yard setbacks increased to minimum 6 feet.
- Retail businesses and shopping centers divided into two categories; up to 60,000 square feet and more than 60,000 square feet in floor area. Greater distinction made among various types of restaurants. He stated what we are finding over time is that uses and the

buildings they zone are changing, and the impacts of those uses are changing. So we want to make sure we have regulations that deal with each one specifically and appropriately. Standards added for drive-through facilities, outdoor display and storage. He said a lot of these things we have seen over the years as we have reviewed plans, and the ZBA probably received variance requests for these also. A ten foot wide side and rear yard parking setback has been added for commercial uses, which is something the Planning Commission has been encouraging applicants to include. Their plan is now they are going to make it an actual ordinance requirement.

- Village Center Area rewritten to include provisions of current Ordinance, VCA Sign Design Guidelines, and approved VCA concept plan into a form-based code. He commented he would let Mr. Purdy talk a little more after about form-based codes. This is something he has a lot of expertise in and has been working on those around the country.
- Height in the IRO amended to allow up to 115 feet with the provision that setbacks will increase accordingly.
- For industrial, front parking lot setback measured from centerline rather than property line. Parking in front yard increased from 25% to 50% and 10 foot parking setback added. Additional standards included for high impact manufacturing uses. He said this generally comes through a special land use standard.
- The SOS, P-1 and PD districts have been removed. He stated one of the things we wanted to do through this ordinance is make it less complicated, and there were certain districts that we found weren't really necessary and were able to deal with those uses adequately by rolling them into other districts which is what we did.
- New chapter added to regulate uses including sexually oriented businesses.
- The PUD chapter replaces the PD Planned Development District. He stated PUD is a commonly used term now for planned developments.
- Wireless communication facilities and services completely rewritten and reformatted to regulate by district and encourage collocation. He indicated this is so we have less towers out there.
- New architectural and design requirements including regulations for building design and material. He stated we do have some standards in the current ordinance. We wanted to make that a little more specific. You have seen them, but the quality of buildings in recent years has really gone up in large part because of not only the staff but also the Planning Commissioners are pushing for high quality design. Now we are just adding additional standards to make that easier for them to do.
- Landscaping requirements revised to include additional planting requirements for greenbelts, buffer zones, parking lots, and detention ponds. He stated this is another thing we have been hearing from not only the public but those of you on the board that say you want to see our sites be a little bit greener and want them to look more attractive, and frankly it is a little less expensive than other things you can put on the site.
- Lighting regulations rewritten to include regulations on photometric plan, light intensity, and light fixtures. He stated we want to make sure the sites are attractive at night (not just during the day) and we don't have a lot of offsite glare that is distracting drivers.
- Off street parking requirements revised where excessive. Exceeding the amount of parking by 20% must be approved by the Planning Commission. Regulations for land banked parking and Planning Commission reductions in parking were included. He stated the reason we are doing this is because we are becoming more sensitive to storm water management. The more paved area we have the greater the impact is on our rivers and streams with more run off and contamination of that water and so we decrease parking as much as possible. We know we have approved shopping centers where there are parking

spaces where you know most of them are only used two days a year, so instead of designing for those two days a year we are designing for what you typically have; and then we will suffer through those two days a year.

- New driveway access section added that provided regulations for driveway locations, spacing standards, number of driveways, driveway design, and shared driveways. He said this is another thing the Planning Commission has already been pushing for and implemented, so we wanted to give them the teeth they need for that.
- Existing regulations for different types of signs put into new table to improve user friendliness. He commented it will be easier to see where your sign falls.
- Class A and Class B nonconforming designations moved and replaced with nonconforming regulations for buildings and uses. Provisions added for level of compliance for site improvements and expansions. Nonconforming situations resulting from road right-of-way dedications will be less restrictive. He stated one of the things we are finding is we are asking folks when they are coming in with new developments to dedicate future road rights-of-way, but yet if they do that some of the standards work contrary to their site plan. So we want to encourage that to continue happening so when we have the road widening it can be done more easily and hopefully sooner, but on the same token we don't want to penalize people who are offering that to the City voluntarily.
- New section with provisions for conditional rezonings added.

Mr. Avantini indicated that was a summary of the major changes that were made from the previous ordinance to this one, and we see what your direction is here in terms of how you want to move through it. Generally what will happen is we will go chapter by chapter and answer questions that people might have and also get a gage for how many chapters we will be able to get through given the amount of time it takes to review the writing.

Chairman Day said he thought going chapter by chapter would be the way to do it and just ask for comment if anyone has come across anything in each chapter. He stated we will start with Chapter 1 and will invite comments and questions.

Just to clarify, Mr. Avantini said Chapter 1 is one of those sections of the ordinance where it is one of the legal things. That basically sets up the purpose of having the zoning ordinance and some of the conditions like when we adopt it, the ordinance taking effect and those sorts of things.

Mr. York stated he provided everyone a list of what he has gone through to Chapter 11. Many of the items in his list are minor, and the list was provided to everyone including Mr. Lipchik and LSL. So if he suspects that it lacks necessity to discuss in this meeting he won't bother bringing it up.

Moving on to Chapter 2, Chairman Day asked if anyone had any questions or comments.

Just for a point of clarification, Mr. Lupinacci asked if it would be helpful if we were to say things like spelling or punctuation errors go to the same kind of format that Mr. York used.

Chairman Day thought it would probably be in the best interest of expediency, and if we get through this very quickly and have some time we might want to get into that.

Mr. Lupinacci suggested maybe before the end of the get-together specifying if we should direct things by email to Mr. Lipchik or Chairman Day.

When Chairman Day said he would think to Mr. Lipchik and Mr. Avantini would be appropriate, Mr. Lupinacci stated at the end of the meeting he would like to get an email address.

Mr. Purdy indicated if you have gone through and marked up your copy and want to photocopy it and give it to us that is also an option, whichever is most convenient for you.

Chairman Day asked if there were any comments or questions for Chapter 3.

Mr. Carter said he understood under briefing that you have added an RA-1 District, but he didn't see any mention of that in Chapter 3.

Mr. Purdy stated actually it is R1 and explained that what we did part way through the process is first we added the new district and then after adding the new district we had some discussion about it because the naming process with the RA's was getting a little bit complicated. We went through it and for that we renamed it. So basically R1 is the new half acre lot size.

Chairman Day had a question on sections A and B in Chapter 3. Just a point of curiosity, but the last part of section A says "residential dwellings to meet the housing needs for various residents, and providing a range of housing prices." For B it says "various age groups, income levels and lifestyles." He asked what was the reason for the wording there.

Mr. Purdy told him he thinks with the one family residential basically what we are looking at is that we have certain areas where you would have larger lots. For example the new half acre lot district you would likely have larger, more expensive homes on those lots versus when you get into the R3 and more particularly the R4 where you have the smaller lots. You could potentially have smaller more affordable houses on those smaller lots. So basically looking at the single family residential predominantly being designed for families, you are basically looking at a range of family sizes and a range of income levels that corresponds to the lot size requirements. When you get into the multiple family residential maybe you are looking at different demographic groups (whether they are young people moving out and renting an apartment or singles or senior citizens or empty nesters). Instead of applying it more towards a different income bracket you are looking at different demographics that would appeal to.

Mr. Avantini stated one of the comments that came out of the master plan process was (and obviously you can't make a blanket standard but there is a general feeling) that there is enough of what we call traditional multiple family. There are enough apartments in Wixom right now, and the idea was within the multiple family districts to encourage a variety of other housing types of which senior housing falls directly into that. There are different types of senior housing. Also when you look in the Village Center area we have different housing types that are meeting nontraditional (the more urban housing types like stack ranches, townhouses). So that is the other reason that distinction is made in there. Once again it is multiple-family but we like to see these other housing types, and we are getting those as a result.

Chairman Day said going to the table, the schedule of uses and human care uses mentions adult foster care small group home which is defined as 12 or fewer adults 24 hours a day which doesn't meet his definition of a small group home to be committed in each of these districts. Is there some reason the number 12 is chosen?

Mr. Purdy stated the State basically licenses different sizes of group homes, and the Zoning Enabling Act has specified that we are required to permit these uses in our residential districts. So

it is something that the City doesn't really have the option. There are certain uses we could require a special land use permit for in the single family district. For example, the small group home he thinks in single family residential if we wanted to we could require special land use permits for those. We would have to allow them, but we could make them go through the special land use permit process. Also the group daycare homes (the seven to twelve children) again in the single family we could require them to go through a special land use permit for those.

Mr. Crowley stated it might be something interesting because it was one of the things he highlighted, and it was also highlighted in Mr. York's as well. So apparently a few of us had some concerns about that.

Mr. Lupinacci stated also in the clarifying text it does make reference to submitting to license with special land use application.

Mr. York indicated that was a topic he brought up. It was interesting that in the definition of G and H it says the special land use permit application will be made, and yet in the table it doesn't say SLU. He doesn't know if that is nitpicking or not, but he thinks we both have the comment about this quantity for the small square footage in R3 and R4 just didn't seem compatible and neither did the consistency on the SLU submittal.

Mr. Purdy stated what our intent is that the use requirements in certain instances those would apply to permitted uses. For example, if we have the requirement for outdoor play area for the daycare (so many square feet of play area per child) that would apply to the seven to twelve children through the special land use permit process; but then for the six or fewer children we would also want them to provide that outdoor play area while they don't need to go through the special land use process. When they come in to get an administrative approval for a home business they would need to demonstrate that they are providing that outdoor play area, but he thinks we can clarify that.

Chairman Day asked if that number twelve was something that came from State regulations.

Mr. Purdy answered yes; they specifically define that in the Michigan Zoning Enabling Act.

Chairman Day said he would recommend that on this.

Mr. Carter asked if he could say that again, and Mr. Avantini stated for the small group/daycare home (which they are both a small group home, one is seven to twelve children and the other one is twelve or fewer adults) instead of being permitted in the R1 through R4 district they will be special land uses in the R1 through R4.

Chairman Day noted on the next page in subsection E at the top of the page it is saying that gutters are required on all residential units.

Mr. Purdy told him yes essentially.

Chairman Day stated in section E on the following page, E-1 says "a site for recreational use intended to serve areas beyond the immediate neighborhood residents within one quarter mile shall have at least one property line abutting a major thoroughfare as designated on the City of Wixom Master Plan." The reason this came up to him is that recently (just through friends who have retired) he has a couple of planned retirement communities. He knows there isn't a lot of place in

the City where something like that might go, but those tend to have facilities that serve residents more than a quarter mile away that aren't necessarily abutting a major thoroughfare. He thinks to the extent you would want to keep those facilities exclusive to the residents and not draw outside attention to them, you wouldn't necessarily want them abutting a major thoroughfare. The only place he could see that happening would be on the Ford property. It was really just a concern. Do we really want to have that requirement?

Mr. Purdy thinks what we could do is instead of specifying quarter mile we could say it is designed to serve the immediate residential neighborhood and not put in a specific dimension. Obviously if you have a park system with a trail system that connects a series of different cul-de-sacs as part of the larger development that is obviously designed for use by those residents versus if you have a facility that is designed with large parking lots and access to the major roadways. That is obviously something that is serving people that are going to drive there. He thinks we can reword that.

Chairman Day said he would think (with regards to that same issue or the same type of development) that might be requiring excessive off-street parking if it is basically for members, families or individual members only. To require off-street parking to accommodate, not less than half of them are families. There is a lot of parking for what is going to be a use that is pretty staggered.

Mr. Purdy stated maybe what we can do is put a standard in here that the Planning Commission may approve a reduction in the parking requirements in those instances where it is specifically determined that the users will originate from the immediate adjacent areas and will therefore be pedestrian. Maybe we can expand in addition to pedestrians or other information is provided to justify a lesser parking requirement.

Mr. York stated paragraph 30, item E, he doesn't have a problem with a flat roof and is wondering if flat roofs are not desirable in any of the uses.

Mr. Purdy stated the City is not permitted to exclude manufactured homes from any of the single family zoning districts, so if someone wants to buy a lot and put in a manufactured home the City has to allow that. We can though specify certain design standards, and that is basically what a lot of these regulations are. If someone is going to do a modular home or someone is going to bring in a mobile home we want to make sure it meets certain design standards to be compatible, and one of the ways you regulate it is by getting the roof pitch. If someone is going to bring in a modular you want to make sure it is going to look good but similar to other homes in the neighborhood.

Mr. York commented he wasn't even thinking modular. He was thinking a contemporary design with a flat roof. He doesn't know how often that is desirable.

When Mr. Carter asked if there were a lot of flat roofs in residential Mr. York stated it is an older style, but people go back to it (especially a retro type of look).

Chairman Day thinks too that people from immigrant population who are familiar with and comfortable with that style of housing might prefer it as well.

Mr. Purdy indicated we could add a provision in here that this requirement could be waived per specific architectural styles.

Mr. York stated in the next section 40, specifically the raising of animals, the numbers are relative to horse; but they also talk about fur-bearing animals and poultry, and there are no numbers associated with those types of animals. He thinks three acres for four chickens is a little high.

Mr. Purdy told him what we could do is we can add a table that has what they call an animal equivalent unit where it basically breaks it down. For a horse you need three acres, for a chicken you need one-half an acre, for a goat you need an acre.

Mr. York stated that sounds great. On item C, churches and other places of worship, item 4, it is talking about the storage of buses, trucks and maintenance equipment to be put inside a totally enclosed building. He can envision a masonry screened wall area with or without a canopy style roof with a security gate that would be far more economical and desirable for a church and not an enclosed garage which would need all of its associated types of construction requirements. He threw that out on the table to see if anyone has a problem with a screened wall area as opposed to a roofed area.

Mr. Maher told him he does. He kind of likes to see those in enclosed areas depending on the type of development it would be.

Mr. Carter said it sounds reasonable to him, and Chairman Day added they could always apply for a waiver.

Mr. Maher stated he would rather have it enclosed.

Mr. York indicated Mr. Avantini specifically mentioned lowering the fences around pools from six to four and asked if that has become a typical design standard.

Mr. Lipchik advised it is actually in part of the building code, and it is four feet.

Mr. York stated the other topic (home occupations) he can see where in R1 and R2 (particularly with significantly large lots in a less dense area) where someone has a detached pole barn or garage and stores his landscaping equipment in there would be a violation of 040 L1G. He is just wondering particularly when you have a large lot area if that is over regulated.

Mr. Avantini stated the big challenge you have is (and he has actually been involved in) a multiyear drawn out court case where someone put an auto body shop in one of those out buildings on a fairly large lot.

Mr. York stated landscaping is okay but an auto body shop is not.

**(Note:** At this point the tape recorder had stopped, thereby causing a gap in the transcription of conversation. Discussion continued on with the corner lot front yard setbacks.)

Chairman Day asked if this applies to the VCA, and Mr. Purdy replied no.

Chairman Day stated his thing is with traditional developments the front side yard setbacks are different on the corner lot. You still have a side yard setback, and he thinks it makes a more traditional neighborhood look if you do not require a front yard setback in the front yard.

Mr. Purdy stated some cities do that, in particular cities that have older neighborhoods that were platted with narrow 50-60 foot wide lots.

Chairman Day remarked which is what we are talking about in the VCA.

Mr. Avantini stated everything was planned out in the VCA too under the preliminary and final plan. He thinks in the single family section we did allow a little more room for the corner lots but not a tremendous amount.

Mr. Lupinacci referred to 18.03.040 C (churches and other places of worship) and said it is really a question as to the legal environment associated with the fifth point. His basis for asking the question is he knows there has been legal activity in other communities (in metro Detroit) in the past months/years relative to Islamic houses of worship where they do in fact gain the right to have a Muslim ~~call to pray~~ **call to prayer**. It was very much fought over, and he believed it even went to court activity. So it is a question of whether this point in any way suggests to us a problem because it is not giving recognition to that potential that there might be a Muslim house of worship at some point in the community where they do not use church bells but would rather use an amplified call to prayer.

Mr. Purdy said what we could do is refer that to the attorney and see if she could come up with alternate language that would avoid that problem.

Mr. Carter stated on that note too he thinks in other parts of the ordinance there is an opportunity to even limit that to certain times of the day. He doesn't know; he is not familiar with a call of prayer.

Mr. Lupinacci thought it was in Hamtramck that it took place, and Mr. Lipchik said yes.

Mr. Avantini stated the new thing too is to be careful not to differentiate between the institutional uses. If we treat them all the same then we give more flexibility.

Regarding that same issue, Chairman Day asked (with regards to the Baptist church and their intermittent use of speaker systems when they are having a field day or a game day) how we deal with that.

Mr. Avantini stated once you enforce it, it is already gone.

Mr. York commented he was thinking about the same thing, and his thought was that those are typically not permanent speakers. They are not something that is used daily such as what Mr. Lupinacci was talking about, and they are probably something they just wheel out there for a field day event or something like that. He thinks selective enforcement makes sense. If it becomes an issue then it becomes an issue, and it is more of a sound ordinance issue than it was us approving permanently located outdoor speakers.

Mr. Lupinacci stated under golf courses you specify regulations including pool, and he wasn't sure if that was intentional or it was just a copy of the section above where it talks about pools.

Mr. Purdy indicated it was basically looking at a golf course/country club that would have a pool as part of it.

Mr. Lupinacci inquired if it was intentional, and Mr. Purdy replied yes.

Mr. Lupinacci stated only one other question he had worth bringing up was under garage sale on M. He asked if there is any reason why we would state there could be instances where the City would waive the permit requirement because specifically there is a one time a year City-wide garage sale where a permit is not necessary.

Mr. Avantini said he thinks we are still good on that. It is a good point though.

When Chairman Day asked if there was anything else on Chapter 3 Mr. Carter went back to Table 3.02 Schedule of Uses and said under human care uses it is talking about the adult foster care. He noticed there wasn't a call out or a form call and asked if you do not need a license to operate that kind of use.

Mr. Purdy told him no. You are required to get a license. You would have to get a copy of that license, and typically those uses don't come in for approval by the City though. It is just permitted, but we could require them to provide a copy of the license though.

Mr. Carter also had a question on page 3-8 under the bed and breakfast. It is mentioned under number 12 about an unlit sign. Is there anything that says you cannot have a lit sign there? He just thought that was kind of interesting.

Mr. Purdy said he guesses the thought is that this could be on a residential street, and you wouldn't want someone that has a sign that is lit up and is distracting to the neighborhood.

Mr. York commented he didn't know if it is minor or something we should discuss. Between the ZBA and the Planning Commission we have had a lot of discussions about decks. When he looked at specifically 70 D1, dimensional standards on page 3-13, it is showing this clustered open space plan where there is an open space behind the lots. It seems to him that with that kind of layout the variance for the rear yard setback with the deck could be even greater than what we are currently allowing in our modified deck layout. That suggests that we could change the layout, the language of the permissible access into the rear yard setback or we could just leave it alone the way it is because the ordinance is fine as written.

Mr. Avantini asked Mr. York if he knows why we asked for that information in there, and Mr. York replied yes.

Mr. Avantini stated we have had situations where we have had an open space plan like that, and the whole intent is that we've asked before to tell us where the decks are going to be because what ends up happening is after we get the concept we have the plan approved. Then each individual homeowner comes in for a variance to extend farther into the open space area which runs contrary to everything that we had intended for it to be. So the idea is once this plan is approved, you show the decks; and when you sell these units to people they have to know that is where the decks are, and they have to buy accordingly. They are not going to be able to come and get variances for that unless there is something really out of whack.

When Mr. York stated except in these submittals you are not necessarily going to have the floor plan for the home Mr. Avantini indicated you are asking for envelopes.

Mr. York asked if within the envelope the deck is included, and Mr. Avantini answered yes.

Mr. York said he guesses the bottom line is our rewrite of the variance for the deck really applies in both cases, and we wouldn't want to necessarily reduce that burden or increase the flexibility just because it is in the open space plan.

Mr. Purdy said right. Basically they could illustrate the building envelope and then could also illustrate the area where the deck projects out into the setback area in accordance with the accessory building regulations. That would be fine. We allow decks to extend a certain distance into the rear yard setbacks, so they could show that on the open space plan.

Chairman Day asked if there was anything else before moving on to Chapter 5 (Chapter 4 was blank and reserved for future use.)

Mr. Purdy stated this section (other than reformatting and putting uses into a table) we pretty much kept the same. If we did any major rewrites to this we would have to go to the Manufactured Home Commission to get that approved, and they are not easy to get an ordinance approved. His experience has been with ordinances they have approved in the past if you make minor changes to it they go back and start saying they are not going to approve things they had previously approved. That is why if you have an ordinance in place it is best just to keep your existing ordinance.

Moving on to Chapter 6, Chairman Day had a question on the last item on page 6-7 (social clubs). If he reads this correctly the Birch Park Club we couldn't do under this ordinance.

Mr. Purdy asked what that is zoned and if it is in a residential area and Chairman Day replied yes. Mr. Purdy then stated this wouldn't apply to them.

Chairman Day said it wouldn't apply to that but asked if you couldn't have anything else like that and Mr. Purdy replied yes.

Chairman Day stated again he knows it wouldn't apply in terms of establishing it, but he asked what about the rules such as "indoor/outdoor activities shall be limited to club members and their immediate families" when that is a facility that is rented for functions. He would think that is something that a lot of people in the community are aware of and use that facility. A lot of people in the community are members of that facility, and he doesn't think we would want to take that away.

Mr. Purdy indicated he wouldn't have a problem striking number 2 because we are talking about commercial districts. This could be located next to a restaurant that is open to the general public in the same district.

Mr. Dornan asked if that section he was referring to was new social clubs, existing and nonconforming use.

Chairman Day replied yes. In terms of it being a social club those are terms of regulating what they can do with the social club in terms of renting the facility. He wouldn't want to see this as being construed to disallow that in the future.

Mr. York stated he had a couple minor items. On Table 6-02 (office, financial, medical) 24-hour emergency medical clinics, just from his understanding of the definition of IS, he would have thought medical clinics might have been desirable in IS.

Mr. Purdy didn't think it is listed there now, but he can see that given its location.

Mr. York commented probably the biggest change would be in table 6-05 (schedule of commercial regulations). He is curious about the number of stories in B-3 General Business. Specifically he was thinking that if we are allowing a five-story building in the VCA, and he doesn't know how tall the building is on Beck Road down by I-96.

Mr. Lipchik told him that is a four-story.

Mr. York stated he was thinking particularly of that next cross road south of West Road and that along there that might be ideal for three or four-story buildings or on the south end of Beck Road towards the intersection. He wanted to debate changing B-3 General Business from two-story to four-story or higher, and he wasn't sure if we should be debating that here tonight or not.

Mr. Purdy stated we kept the two stories because that is what was in your current ordinance and didn't want to have a reason to propose a change at this point, but he has seen business districts that do allow taller buildings. Three stories are very common for a commercial district, for a more intense general commercial district.

Mr. York said the other thing he is not very savvy on is how carefully the developers look at these ordinances in advance of evaluating properties for development of that sort. If someone wants to look at a speculative office building near the Beck/96 interchange or the Wixom/96 interchange would they be attracted to that property if it were B-3 and had a higher density?

Mr. Purdy stated he would think any prospective developer always goes through a due diligence process. Any good developer will look at the ordinance to see what is permitted and what they could use the property as and how intensely they could develop it.

Mr. Avantini stated also the area around Beck and 96 is not zoned B; it is zoned IRO. Obviously that can change a bit, but there you have a little more flexibility.

Mr. York noted that here freeway service only allows three stories.

Mr. Lipchik indicated the hotel went in front of the ZBA for that extra floor.

Mr. York asked if we should be considering changing that one as well or leaving it as-is.

Mr. Purdy stated it is really a policy question if you want to allow taller buildings in that area of the City.

Mr. York commented he is in favor of three or four and Chairman Day agreed.

Mr. Purdy asked also the freeway service going up to four as well, and Mr. Maher inquired if this is a recommendation.

Mr. Avantini stated it is going to go to the Council ultimately. The Council is going to have to make the final decision, and if they see something in there that they are not happy with they are going to think strongly at the recommendation of these boards.

Mr. Lupinacci asked from a process standpoint if we will be able to see the next draft that is incorporated with the various recommendations.

Mr. Purdy told him yes. What we will do is come out with another draft which will be the public hearing draft that will have all of these changes made to it. If you would like what we can do is we can highlight the changes basically where they would all be underlined.

Mr. Lupinacci indicated he kind of likes a red-lined format or something like this that we can go through quickly.

Mr. Crowley said these story changes don't impact the height.

Mr. Purdy stated they probably would. He thinks if you are going to four stories he would almost go to 50 feet because typically you like to have ten feet per story. If you are going to have one foot of the floor structure and then nine foot ceilings that gives you ten feet. Then typically (depending on what type of usage you have like retail uses or restaurants or things like that) on the first floor you may want to go up 10 to 18 feet clear, and then you have a couple of feet for the floor structure above it. On a four story building you are getting close to 50 feet.

Mr. Dornan mentioned that we have a quirk in the zoning map where you have Uptown Market and Saroki's. He asked if that isn't B-3.

Chairman Day questioned or is that B-2.

Mr. Dornan explained where he was coming from is he thinks down by the expressway is an opportunity for redevelopment of the Ford site with a higher building.

Mr. Avantini asked if we didn't talk about the Ford site being as a planned development.

Mr. Dornan commented not necessarily and said he guesses the point is to decide whether or not you want buildings in certain areas to approach the height of a Georgian pine.

Mr. Lipchik thought it was discussed at 115 feet.

Mr. Dornan offered to go get the map and check about Saroki's.

Chairman Day had a question on page 6-9, J (the south Wixom Road setback) and asked what the purpose of that was.

Mr. Purdy stated that was something that was in your existing ordinance, and he thinks what it is intending to deal with is you have some properties where they have dedicated the full 120 foot right-of-way and then you may have existing parcels that are fairly old and maybe only dedicated 66 foot right-of-way. So what you end up with is the building setbacks, the parking and greenbelt all sort of jogging in and out depending on whether they have dedicated the right-of-way or not. So what we do is we come up with this setback measured from the center line of the road. That way irregardless of how much right-of-way has been dedicated the buildings line up, the parking lines up and the greenbelt lines up. But again, that is something that is in your existing ordinance that we retained.

Mr. Lupinacci stated within the Table 6.02 he was surprised to see that 24 hour emergency medical clinics were not permitted within freeway service district. He was thinking that might be the kind of thing that might be usable in the district oriented for servicing people coming off the highway. They may be more than trying to look for a 24-hour clinic rather than a full scale hospital or emergency room. It is a question that may have been discussed previously.

Mr. Avantini said he thought about that too, but what we are seeing now is that they are popping up in shopping centers more often.

Mr. Purdy thinks that makes sense.

Mr. Carter asked if we are going to make that permitted, and Mr. Purdy replied yes.

Mr. Lupinacci had just one minor question on item K, Amusement Arcades, and reference made to county primary streets. He was unfamiliar with what that was intended to reference.

Mr. Purdy said let me see if we define those, but county primaries (like Wixom Road, Maple Road, Pontiac Trail) those are all county primary roads. Let me make sure that is the term we use in the definitions. He then said on page 24-20 under Streets it says county primary streets include Grand River, Pontiac Trail, Wixom Road.

Mr. Lupinacci noted that under 50 F, page 6-9, comments were made about the OS district; and he is wondering if that shouldn't be referred to the OS chapter.

Mr. Purdy indicated we originally had OS in this chapter, and we moved it.

Chairman Day mentioned at this point that the zoning map shows the Uptown Market as being B-2, not B-3.

Mr. Carter said the other question he had is on page 6-5, F, automobile washes. He was thinking about vacuuming and drying areas in point three being no closer than 20 feet from a residential district, and this seems a little close to him. He thinks usually something like that came up where we were bordering on a residential. We are going to require some pretty thorough screening and buffering there.

Mr. Lipchik stated we would be looking at a masonry wall.

Mr. Purdy commented the landscaping regulations would require a 20-foot buffer between commercial and residential, so that would roughly correspond to that; and you would have the masonry wall in addition to the 20-foot greenbelt.

Mr. Carter stated another idea occurred to him. He doesn't recall seeing anywhere in here, and it came up when he was looking at page 6-7 under amusement arcade. He doesn't recall seeing anything stating one way or another whether we were going to allow casinos in the City of Wixom. He doesn't see that it is likely, but while we are thinking about it is this something that is worth addressing here? Or should it be addressed here? He thinks personally he would like to see a prohibition on any type of casino location.

Mr. Purdy noted that you can't prohibit.

Mr. Carter said yes, special land use or whatever. The point is he never really saw that it was discussed.

Mr. Purdy stated well we didn't put it in the ordinance because we didn't anticipate that type of use coming to the City. If that type of use was to come to the City you would do a similar use determination. Basically you would look at the other uses that are listed in the ordinance and determine what use that most closely resembles, and then it would be allowed similar to that use in that district. We didn't put it in the ordinance because we didn't anticipate that type of use.

Mr. Carter questioned so if that came up what would you consider? It just seems so different to anything else that is listed. If it is generally done by the book and we shouldn't worry about it he is not going to lose sleep over it, but it is something that occurred to him.

Chairman Day doesn't think it is likely, but it is certainly not out of the question with the Ford property and given what is going on in Romulus with the trade with the Bay Mills. It is a possibility.

Mr. Purdy stated we are actually right now rewriting Romulus's zoning ordinance, and in that case we did put casinos in their ordinance because they were looking at a casino at that specific location.

Mr. Lupinacci questioned if it would be possible that that would fit as one of the Chapter 10, Regulated Uses, but below item one.

Mr. Purdy stated we could conclude it with that or you can specifically call it out in the table and make it a special land use in one of the districts.

**(Note:** At this point the first tape had stopped, and the second tape continued on with Mr. Carter asking if we could recommend a moratorium for a period of time.)

Mr. Purdy stated well the City Council would have to do a moratorium based upon there being some sort of threat to public health, safety and welfare. They would need to conduct some sort of study to determine a regulatory action to address that threat to public safety and welfare, and under that instance you would do a moratorium. You could say if a casino was going to come to the City and you had traffic concerns and the traffic congestion would be beyond what the roadways could carry you could pass a moratorium to give the City time to be able to study the traffic situation and come up with recommended roadway improvements to address the casino.

Mr. Avantini stated if it is not already permitted in the ordinance and is not addressed in the ordinance you wouldn't really need a moratorium because it is not addressed in the ordinance. You would just have to amend the ordinance to address it at that point in time. Typically moratoriums are only for uses that you are allowing but you need to take a time-out and say we need to take a more careful look at it (like the Council just did with the billboards).

Mr. Purdy said he would think the process of going through and getting authorization to do a casino in the City would take much longer than just amending the ordinance to add it to one of the districts. So, for the time being, leave casinos out.

Chairman Day stated that would be his recommendation.

Chairman Day then asked if there was anything else on Chapter 6 and then moved on to Chapter 7.

Chairman Day indicated he had a question on Table 7.02 (recreational uses) theater, assembly halls, concert halls or similar places of assembly. Do we want to think about a square foot limit or a capacity limit or do we want a 5,000 seat arena?

Mr. Purdy stated we do limit the size of churches.

Mr. Gottschall said the question was do we want a 5,000 seat arena where?

Mr. Purdy responded in the VCA.

Chairman Day stated theaters, concert halls, assembly halls are permitted uses but there is no limitation on size; and he is just wondering if we want to have a limitation on size. Instead of saying a permitted use he would like to see some sort of limitation.

Mr. Lupinacci pointed out you selected here a couple other uses with 60,000 square feet criteria. Would that work for that as well?

Mr. Purdy replied yes, you could either use that or we define a large scale church or large scale institutional uses for 1,500 people. That would be another common standard we could use.

Chairman Day offered that he thinks 1,500 people and then there could be a waiver if there is reason too.

Mr. Purdy said we could do for large scale churches 1,500 people or 500 parking spaces.

Mr. Carter stated also in that table on page 7-3 he sees it in a few places. Under institutional, governmental and quasi-public he thinks the last point you mention is pump storage. He asked what exactly the thought was behind storing pumps in the VCA or what is that?

Mr. Purdy indicated he would go back and check on the existing ordinance to see if that was listed. He thinks it might have been a pump station.

Mr. Carter stated it was mentioned in a few places, and he thought it was kind of strange.

Mr. Crowley said the only question he had was hotels and motels being a permitted use in the VCA. He is just questioning if that is really something we want in the VCA. He wouldn't want to see like the two motels down on Grand River in the VCA.

Mr. Purdy stated we can take out motels because actually the design requirements are going to have to comply with the architectural, and your traditional motel with the parking in front isn't going to be able to comply with the VCA standards. He supposes someone could do a motel where all the parking is on the rear side of the building, and the front side facing the street is designed to look like a traditional building with pedestrian entrance; but he thinks we can just strike motels.

Mr. Avantini reported that Celebration in Florida has a hotel right in the middle of their downtown and it is a nice addition, so he thinks if someone did come in and put a nice traditional hotel in the VCA it could work.

Mr. York had an item on page 7-9, item 18.07.060. He hasn't gotten to the design standards and maybe it is covered in there, but we have spent quite a bit of time talking about the difference between upper level access versus main floor access. He doesn't know if the discussion for access to the upper level belongs in this discussion on front façade requirements and talking about the entrance into the building or if it is in the design standards section.

Mr. Purdy stated we could add that it is the intent to require that the access for the upper floors be on the front façade.

Mr. York said well it depends. If it is residential and we want rear access and we are only talking about a single lot that is different than developing everything across the street to where you want professional offices upstairs and you want a key entrance and a targeted entrance to that access. This is VCA. This is specifically an area that we discussed recently about a prominent entrance to the second level.

Mr. Purdy indicated what we could do is we could require that upper story office or consumer service uses to be a prominent entrance on the sidewalk. That way it wouldn't apply to an apartment.

Mr. York stated similarly maybe this will refer to other segments of the ordinance, but the discussion about signage was prominent in our discussions as well.

Mr. Purdy thought what we can do is refer back to the sign regulations for all the VCA stuff.

Continuing on with the front façade, Mr. York stated page 7-11, 18.07.070 C, as we are using the ordinance as kind of more descriptive he would like this illustration to show not repetitive elevations but a variance in the elevation which prompted him to ask a question. Can we either in this section or in a design standard section identify a minimum spacing of patterns of repeat when we have a townhouse that we keep the same elevation repeating itself over and over again? Or maybe requiring a variation of frontal elevations across entire building unit where say one and four can repeat or one and five could repeat or something like that? Maybe it is more of a design standard than it is this residential architectural requirements but trying to create variety as opposed to cookie cutter repetitiveness.

Mr. Purdy stated the one thing he would be careful of is you don't want to force variety that starts to look fake. A lot of the new townhouses (brownstone-style townhouses) we see in the area tend to be somewhat similar from unit to unit. He is just thinking of some of the townhouses that went in at Royal Oak, Birmingham, downtown Detroit near Tiger Stadium near Woodward Avenue. They have the new town homes that have gone in there. They are pretty much uniform. Sometimes there may be a variation (like you may have a bay window here with a pitch roof over it and then perhaps the next unit might have a flat roof) but you wouldn't want to force drastic variations that then start to look a little fake like we were trying to make it look like they were all built at different times or by different builders when in fact they were all part of the same project. A lot of times if you go to older cities and go into areas where you have the traditional town homes a lot of times they are very similar from one to the other.

Chairman Day stated we could address in site plan as well and went on to say he had a question on page 7-10, D1, about all walls exposed to public view constructed of not less than 60% brick or stone. Are windows counted as part of the wall surface?

Mr. Purdy said no and added that actually the second sentence in the intro D says those requirements do not include areas devoted to windows and doors.

Mr. Carter stated on page 7-11 under awnings in point number two at the end we specifically mention an awning with open sides. Do we really want to necessarily restrict an awning to one that has open sides as opposed to closed?

Mr. Purdy stated what we are trying to do is we are trying to require a type of awning that is similar to your traditional awning that would basically extend out and could be rolled back in like you would see in a traditional downtown or sometimes they might just be a metal shed awning. We want to get away from the type of awning that is just sort of the enclosed party store awning and try to get towards that traditional look of an awning. Maybe it is out there permanently, but it looks like something that could be rolled in and out like on an historic building.

Mr. Carter indicated the only reason he came back to that is later on in the signs chapter we prohibit any sign on the side of an awning. So we may want to get rid of that. We don't want to leave that out there for someone to think they can do it.

Mr. Purdy stated he will look back at the sign regulations to see if that is VCA specific because while we only allow this type of awning in the VCA in our other business districts we would allow someone to do the typical commercial awning that you see on more modern party stores or shopping centers.

Chairman Day stated on 18.07.070 F he would like to see attached garages not permitted in the VCA in order to have a real traditional development.

Mr. Purdy commented we have to be careful on this because these use design standards also apply to the rural housing which all have garages on the back, and that would technically be an attached garage.

Chairman Day said he would like that personally. He doesn't know how everyone else feels about it, but he thinks it gives you much more of a traditional downtown and urban feel.

Mr. York stated he is not sure how strongly he feels about detached. He agrees with him, but he also was surprised at the dimensional setback. He thought we had agreed to something more than what was indicated, and he is not finding that right now. He thought we had discussed something more than that, like ten or twelve feet.

Chairman Day indicated he would have to look at the size of the lots and the setbacks to see what would be workable.

Mr. Avantini stated before we had eight or something like that, and Mr. York stated it was more than five.

Chairman Day said five does seem a little tight to him.

Mr. Lipchik advised that technically the building code section has to be a minimum of ten feet off the main structure.

Mr. Purdy stated if we are not going to allow attached garages on single family residential then we don't even need that provision. So basically what that will say is single family homes no attached garages, only detached garages; and then it will say for town homes garages shall be permitted on the rear side of the units only.

Mr. Crowley asked if someone could explain the purpose of not wanting to have the attached garages because most of our houses probably have the attached garages. His does and he appreciates it.

Chairman Day said his doesn't, but if you're looking to try and develop a look and feel of a traditional urban neighborhood you are going to see detached garages. If you go into Birmingham for the most part you are seeing detached garages. Even the brand new homes Robertson just built in Birmingham have detached garages.

Mr. Purdy stated usually in your traditional urban neighborhoods you are dealing with narrow 40 or 50 foot wide lots, and people have their garage tucked into the back corner of the lot. A lot of times the garages enhanced the backyard privacy because if you have six lots (three backing up to each other) if each lot owner puts their garage sort of in a staggered pattern along the back of their lot you are sort of creating private courtyard areas in your rear yard. The concern is that if you attach the garage to the rear side of the building what you end up with is sort of left over backyard space that is not very usable beyond the garage because you have a really narrow lot. You have a house that a garage is attached to, and then beyond that is your backyard. It is hard to access your backyard because you have a garage between your family room and your backyard. He thinks it is better to basically tuck that garage into the corner of the rear yard sort of creating a usable space in between the house and the garage.

Mr. Carter asked if it is a concern that we not see a garage from the front.

Chairman Day said he doesn't care if you see it from the front if it is in the back of the lot.

Mr. Carter stated but if we have an attached one that is accessible only from the back or even the side. He asked if he is looking at the front of the VCA residential house and doesn't see a garage if that is meeting the intent of what he was talking about, and Chairman Day replied yes.

Mr. Carter said that might be a compromise where someone likes to pull into their garage and walk right into their house.

Chairman Day inquired if he was talking about like from an alleyway, and Mr. Carter told him a driveway going up and then into the side or something like that.

Mr. Purdy stated a lot times what they will do is they will have the driveway that goes along the side of the house. In fact he thinks the concept plans that were done for the lots here had this where basically the driveway goes in along the side of the lot to the back of the house and then makes a 90 degree turn, and you have a side oriented garage attached to the rear of the house.

Mr. Carter said personally he would think that would be a big problem. It keeps the people within the VCA seeing 98% of all the homes in America where you have a garage door on the front.

Mr. Avantini stated the big issue though is that which is why alley loaded are so much more popular for a traditional developments. When you put the garage back there and come up the

driveway and turn in you have nowhere to put a deck or to access your backyard easily. At Celebration's in Florida you have detached garages that load out on the alley, and then they have like the breezeway that connects to the main house. Then you can still get a backyard and a patio area, where you have a tougher time doing that when you are coming up the front.

Mr. Purdy suggested that what we could do is we could allow attachment by breezeway only. You could have going down one side of the lot a breezeway that connects your house to your garage, so if it is raining or snowing or something you can still walk out to your garage and be under cover. We just want to make sure there is a usable rear yard on the lot.

Mr. Carter stated he is not opposed to the detached. He is just trying to think of a way to allow something we would accept without having to send a bunch of variances to the ZBA or something like that.

Mr. Avantini said or alley loaded garages. Then it solves the entire problem.

Mr. Gottschall asked to be given a little history on this. When we originally looked at the VCA ordinance and the concept of the traditional neighborhood this was one of the primary components we looked at, and over the last couple of years we have become a little involved in our discussions with the developers.

Chairman Day thinks the developers came in and told us what we wanted to hear and what would sell. Then once they got their foot in the door they tried to whittle away and whittle away at their traditional look and traditional neighborhood design, and he really wants to hold them to what they said they wanted to build in Wixom.

Mr. Gottschall said originally because the last go-around we had front facing garages.

Mr. Carter stated that's why he was thinking if the objection is front facing garages there are ways around it.

Mr. Lipchik mentioned that since they didn't act on that and it's been over a year, that is off the table.

Chairman Day said right. He thinks we can go ahead and put this in the ordinance, and Mr. Gottschall agreed.

Mr. Carter indicated he is not opposed. He was just thinking about it.

Chairman Day noted that Mr. Lipchik just pointed out that it was after 9:00 pm. He said he didn't know how the other members of the commission feel, but given the kind of detail we are going over here and the issues involved he personally would rather not go past 10:00 pm dealing with this.

Mr. Lipchik suggested maybe we should see a show of hands and asked if anyone made it past this point.

Chairman Day told him he made it to Chapter 13 but not all the way through it, and Mr. Carter stated he actually finished the whole thing.

Chairman Day then asked if we want to go through to Chapter 10 tonight, and Mr. Gottschall said how about until 10:00 pm or Chapter 10.

The commission recessed the meeting at 9:12 pm and reconvened at 9:20 pm.

After Chairman Day asked if there was any more on the VCA they then moved on to Chapter 8.

Mr. Purdy stated he thinks the most significant change we made to this chapter is the building height in IRO. He thinks currently in your ordinance it is 50 feet and allows them to go up to 115 feet, but for every foot they go above 50 feet they have to have an extra foot of setback. So you basically step the buildings back or just move the building back 115 feet from the property line. He thinks that is the same height Novi is now allowing along the expressway in their IRO, so basically what we are doing is mirroring what the City of Novi did.

Chairman Day said speaking of which, he knows this is kind of off the topic but asked when is the Wixom interchange is happening.

Mr. Lipchik stated they have already started moving utilities.

Chairman Day mentioned that he had seen that, but he is just wondering why we haven't seen any indication on when they expect to close it.

Mr. Lipchik stated the last he heard they were talking about the beginning of July, but that has actually been about two months ago that he heard that. It will be about a year and a half of being closed.

Mr. York said the daycare issue, he thinks 18.09.040 A1 calls for a special use permit, but then going back to the chart for uses daycare centers for children or elderly we have SLU for OS-1 but permitted for IRO. So he guesses that should be SLU also.

Mr. Purdy told him actually what the intent was, and he has to fix it in the introduction through Table 8.02 where it says special land uses and then it sites that specific section. He just needs to strike that from that and then actually move that down under requirements. The idea of this and in all the districts (this 8.040 standards applicable to specific uses) what we tried to do was not anywhere in here say special land use. So these are just standards that apply to the use, whether it is permitted or a special land use. What he will do is fix the intro and move the reference to that section under the requirements as opposed to the special land use.

Chairman Day asked what is involved in getting a State license.

Mr. Lipchik stated there is a permit application process, and they actually come out to the place of business and do an inspection.

Chairman Day mentioned it says they have to get a State license before they receive the special use permit. Is that a hardship on people to make them go and get a State license before they even know if we are going to allow them?

Mr. Purdy indicated what we can say is as a condition of approval they will need to file the State license with the City upon receipt.

Chairman Day thought that makes more sense than to make them go through that process. He asked if there was anything else on Chapter 8, and then they moved onto Chapter 9.

Mr. York stated about the only thing he had was in Table 9.02. He was envisioning whether in the industrial district we would consider maybe tagging with what Chairman Day talked about earlier about arenas or stadiums. He guesses that really doesn't apply in an industrial district from a zoning standpoint or even master planned, but considering things that may come up for the Ford land redevelopment he is wondering if there ought to be any discussion on arenas or stadiums.

Mr. Purdy said we allow commercial recreation and race tracks, so he guesses it is in line with those sorts of uses.

Chairman Day stated with regard to truck storage in the M-1 district a maximum of two trucks or trailers can be stored in the rear or interior side yard. Do we want to vary that based on the size of facility?

Mr. York commented two seems small, and Chairman Day said it does to him too. He added if it is a single industrial lot that two might be plenty.

Mr. York mentioned that Aramark has a dozen and a half, maybe two dozen, back there.

Mr. Purdy stated what you could do is you could tie it to the number of loading docks they have. In other words for every loading dock you will allow two other truck trailer storage spaces, or you could tie it to the square footage of the building.

Chairman Day thought the square footage of the building would make more sense to him.

Mr. York said well docks are probably more typical because it is based on demerge of the truck at the site and dropping off the trailer. He doesn't know what happens over at UPS. Are they all indoors?

Mr. Lipchik replied that they are totally indoors, and he guesses that provision was in our zoning ordinance because we didn't want to see a whole lot of trucks stored on a lot outside.

Chairman Day questioned if we want to have a requirement that the trucks stored have to have a relationship to the business being performed so we don't run into the thing like we have over at the Marathon station.

The commission agreed with that.

Mr. Gottschall added and a time frame because what happens on Mr. Lipchik's part when you have several businesses next to each other? Then you get a parking lot for trucks behind, and it looks like one cohesive parking lot. Maybe the loading docks would be a better deal for hardship.

Chairman Day said loading docks then.

Mr. Purdy indicated what he will do is two spaces per loading dock, and that would be in addition to the space at the actual dock.

Chairman Day stated and in relationship to the business occupying the building. He suggested on commercial recreational establishments “including both indoor and outdoor uses such as but not limited to” maybe add botche in there. It seems to be becoming more popular.

Chairman Day then stated on page 9-8, number 13 he doesn't know from experience but maybe someone else does. He asked if the 200 feet limitation is enough of a limitation for outdoor slat ball.

Mr. Lipchik replied that he would think so.

Mr. York stated item 11 on page 9-9 he knows we discussed on the transmission tower over here off of West Road the setback from the center of the tower to the property line. He knows it was less than half the height of the tower, and he is curious if this ordinance ought to be changed to reflect collapsible towers.

Mr. Lipchik indicated they are supposed to know that the way they are designed they are supposed to collapse onto something.

Mr. York said right, so half seems excessive in this ordinance.

Mr. Lipchik stated he would think. He added that as long as the monopole is designed to collapse on itself that is fine, but what if they put up an old-fashioned type? Then it doesn't.

Mr. York commented it is then full height, not half height.

Mr. Avantini said what we did is we put in there unless it can collapse in place.

Mr. York thought that was fine or we could just leave it at that and let them apply for the variance.

Mr. Avantini remarked that we want to discourage as many ZBA applications.

Mr. York said he thought in the case of the one off of West Road it was a quarter or 10% of the height. The distance to that adjacent property line was very small.

Mr. Carter stated on page 9-10 if he is reading it right he sees D and E. In D it mentions a minimum setback of 30 feet of the side bordering the residential district, and then in E it mentions setbacks from residential measures 50 feet. Is there a difference there or is that just a discrepancy?

Mr. Lipchik indicated that is a conflict.

Mr. Purdy said he thought we should probably delete that 30 foot standard and stay with the 50 foot.

Mr. Carter stated on page 9-11, I, Freeway Setbacks it mentions a 25-foot setback; and he thinks in Table 9.05 B a freeway like I-96 in our opinion measures a lot more.

Chairman Day indicated that is the setback from the centerline instead of the setback from the right-of-way, which are two different things.

Mr. Purdy said basically that 25 foot is required to be green space so you don't have pavement right up to the expressway.

Mr. York stated item (I) really is talking about more of a rear yard setback as opposed to a front yard setback whereas Table 9.05 B specifically says front yard setbacks. He asked if you have front yards on I-96.

Mr. Purdy indicated we could almost delete that I-96 expressway from setbacks 9.05. He thinks the 25 foot gets us what we want.

Mr. York asked what Channel 56 is from setback. That is a pretty reasonable look. It is fairly attractive and has to be 50 feet.

Mr. Lipchik said he thinks it is more than 50 feet.

Mr. York commented he would think you would want a building setback from the right-of-way closer to 50 or 100 feet.

Mr. Carter asked if the right-of-way is the fence, and Mr. Lipchik replied yes.

Mr. Avantini inquired if he was saying the building should be closer.

Mr. York said no. He was saying it should be more like Mr. Purdy was suggesting sticking with the 25, but he thought Channel 56 there at I-96 looks pretty reasonable; and that is 50 or 75 feet.

Mr. Avantini told him that is because they put amenities there. They have parking there.

Chairman Day asked whether he was talking about building setback or parking setback, and Mr. Purdy said he was talking about this 25 foot from the right-of-way.

Mr. York stated it says the setback shall be unoccupied except for earth berms, screening walls and landscaping; and he was saying it seems to him that 25 feet from the fence to the building line seems too close.

Mr. Purdy commented we can bump that up to 50 feet.

Chairman Day asked if there was anything else on Chapter 9 and then moved on to Chapter 10.

Mr. Lipchik mentioned that the attorney has looked extensively through Chapter 10.

Chairman Day stated there were a couple of things where adult regulated uses were treated differently than other uses, and apparently it is okay to do that in terms of re-submittal for one year. He didn't know we could do that or that six months after granting it becomes null and void as opposed to the year time frame from now. He asked if we can make those distinctions.

Mr. Lipchik replied yes and said according to Carol Rosati we can make those distinctions.

Chairman Day wondered why there was a special time schedule for the Planning Commission notice and public hearing.

Mr. York remarked that all he could figure is someone filed suit because it took too long to make the decision.

Mr. Lipchik said yes. So they want you to make a decision and not drag it out.

Mr. Carter had a question on page 10-5 under adult motels. He said it seems like any hotel you go to anymore it is pretty common that they have those on-demand video systems where you can watch whatever you want to watch.

Chairman Day stated even Hilton and Marriott have pay-per-view adult channels, and this seems to say if they offer those they are classified as an adult motel.

Mr. Avantini thought there is also a rental by the hour definition.

Chairman Day said no. It just says under 6, point A “offers accommodations to the public which provides patrons with closed-circuit television transmissions, films, motion pictures, slides or photographic reproductions which are regularly characterized by the depiction or description of sexually explicit activities or specified anatomical areas.” He stated well Hiltons and Marriotts all offer that. Do we really want to have them classified as an adult hotel where a certain percentage of their offerings are of that nature?

Mr. Lipchik stated then it is not exclusively.

Mr. Avantini offered that we might want to do more research on this one.

Mr. Lupinacci stated a question on that point. He said you are raising a valid point, but he wonders where it says “or which advertises the availability of that material” about changing it to “and which.”

Mr. Carter thought it just seems pretty common to exclude those.

Mr. Lupinacci stated Hilton and whatever doesn't advertise in their material the availability, but if you say “and which advertises the availability of adult material” that takes care of that.

Chairman Day said but on the other hand if they don't advertise it by a sign but still have exclusively that stuff then it is not an adult hotel. On the adult arcade where it says coin operated or slug operated he thinks it could also be cash operated because they are now just like a pop machine and everything else. He was joking before but on page 10-6, Escorts, it offers to act as a companion, guide or date for any consideration of any form. Going to a movie would apply.

Mr. York commented that is just defining that individual which is still accurate.

Chairman Day stated on page 10-8, number 33, it specifies anatomical areas where it says “any female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola.” Well, watching the Academy Awards last night there were a lot of female breasts that were exposed at points below the top of the areola but towards the center point. He is just wondering if you had a restaurant that had waitresses that had tops that had a plunging neck line if they would not be allowed. He doesn't know if there is other language for that.

Mr. Purdy stated he thinks this language is pretty common in all the ordinances.

Chairman Day asked if we can do this thing with the location in terms of churches.

Mr. York stated he thought the distances seemed low.

Chairman Day said he thought the fact that you could do it for churches seems unconstitutional.

Mr. Purdy stated actually the 1,000 feet distance is pretty critical. This all comes from the Detroit case Coleman Young versus some theater. It went all the way to the US Supreme Court, and they had an urban sociologist that testified. They talked about the significance of a distance of three blocks. Three city blocks is basically roughly 1,000 feet. So, that number (1,000 feet) was upheld based upon requiring these things to be spaced at least three city blocks away from another use that could be impacted by these types of uses. That is where that number comes from.

Chairman Day noted this was probably a typo but on page 10-10, section E 3, second to the last line says “opaque veering”.

Mr. Carter remarked that is “covering.”

Chairman Day mentioned he couldn’t figure out what it was supposed to be.

**MOTION** and second by Mr. York and Mr. Carter to call it quits for the evening and resume this at the appropriate time at the next meeting.

**VOTE:**

**MOTION CARRIED**

**DISCUSSION:**

There was no discussion for tonight’s meeting.

**CALL TO THE PUBLIC:**

There was no public present for public comment.

**COMMISSION COMMENTS:**

There were no comments made by the Commission members.

**STAFF COMMENTS:**

There were also no comments made by staff.

**ADJOURNMENT:**

This meeting of the Wixom Planning Commission was adjourned on motion and second by Mr. York and Mr. Carter at 9:50 pm.

Jennifer Garrett  
Recording Secretary  
March 4, 2008