

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, MARCH 28, 2022**

**APPROVED  
MAY 2, 2022**

This meeting was called to order by Chairman Day of the Planning Commission at 7:32 p.m. at which time allegiance was pledged to the American flag.

**PRESENT:** William Day (Chairman), Phillip Carter (Vice Chairman), Ray Cousineau, Anthony Lawrence, Cheryl Tacy

**ABSENT:** Excused: Sandro Grossi, Mark Lada

**OTHERS:** Kelly McIntyre (CIB Planning); Drew Benson, Assistant City Manager & Director of Economic Development; and Mona Freiburger (Recording Secretary)

**Determination of a Quorum:**

A quorum of the Planning Commission was present for this meeting.

**Changes or Additions to the Agenda:**

None

**Approval of Minutes:**

**MOTION** made and seconded by Vice Chair Carter and Commissioner Lawrence to approve the February 28, 2022 Planning Commission Meeting Minutes, as submitted.

**VOTE:**

**MOTION CARRIED**

All in favor.

None opposed.

**MOTION** made and seconded by Vice Chair Carter and Commissioner Lawrence to approve the March 7, 2022 Planning Commission Meeting Minutes, as submitted.

**VOTE:**

**MOTION CARRIED**

All in favor.

None opposed.

**Correspondence:**

March 8, 2022 City Manager Update  
March 22, 2022 City Manager Update

**Call to the Public:** (Limited to 5 minutes per speakers, addressing Agenda items on Agenda only)

No public comments.

**New Business:**

1. **SITE PLAN REVIEW SLU#21-009: 28821 WIXOM ROAD, 22-07-426-017:** The applicant is seeking a Planning Commission waiver to permit red cove lighting along the roof line/cornice detail of Longhorn Steakhouse. The property is GPUD, Gateway Planned Unit Development , where sign packages and waivers may be approved by the Planning Commission. The parcel number is 22-07-426-017.

**Discussion:**

The applicant is seeking a waiver to permit Longhorn Steakhouse to install red cove lighting around the building cornice. The building is located at 28639 Wixom Road.

Ms. McIntyre indicated CIB completed their review of the applicant's request to permit the installation of red cove lighting on the back side of the cornice fascia on four sides of Longhorn Steakhouse building, located at 28639 Wixom Road. The 5,465 square foot restaurant is on the west side of Wixom Road on Assembly Park Drive in the Assembly Park development. The development is on a 3.18 acre outlot between Aldi and Community Federal Credit Union, east of Menard's and At Home. Access to the site is from Assembly Park Drive, an interior private service road with connections to Wixom Road. The property is zoned GPUD, General Planned Unit Development District. Site plan approval for this development was granted on October 7, 2019, and a comprehensive sign package approval was granted on October 14, 2021.

The opinions of CIB's letter and report dated March 23, 2021 are included in the packet.

The letter dated March 23, 2022 included background information which indicated the applicant submitted a sign permit application in early November, 2021. The sign permit application included red cove lighting around the cornice of the building that as not

approved as part of the sign package presented to the Planning commission. The proposed cove lighting was subsequently denied by CIB Planning.

The applicant is seeking relief from the Planning Commission at this time. Longhorn is located in the GPUD, the Zoning Board does not have the authority to grant a variance and the request must be reviewed by the Planning Commission.

In the Ordinance requirements:

(1) Longhorn Steakhouse is required to follow, not only the City's zoning ordinance, but also the terms of the GPUD Development Agreement. The Development Agreement acknowledges that certain provisions of the Agreement exceed the requirements of the zoning ordinance, but that intent of the GPUD standards to encourage variety in design, layout and the type of structures constructed and to create aesthetically pleasing architectural features and public spaces. With over 300 acres of land, a mixture of user, multiple developers and property owners, the GPUD build out is to be done in a cohesive manner with all facets mutually complementary. The entrance to Wixom is "critical that the image portrayed is of highest quality and that is accomplished through physical design that supports the collective group buildings while allowing for individual creative design" guidelines for the lighting are established: a) only natural colored lighting is such as LED or metal halide is permitted, and; b) tube lighting or lighting extending along the roofline of a building as an architectural detail on buildings is prohibited. The applicant is proposing red cove lighting around the four sides of the building (as illustrated in CIB's report dated March 23, 2022).

(2) Planning Commission Waiver: Per the zoning ordinance, the Planning Commission has discretion to waive ordinance standards when: a) There are special circumstances or conditions affecting the land involved; (b) the waiver is not in conflict with the overall goals of the City in adopting these regulations; and (c) the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to the other properties in the area. Exceptional circumstances exist as the property is in the GPUD and part of a comprehensive development plan. This property is, essentially, a double corner lot, with each façade facing a public road or private drive. With these factors in mind, the Planning Commission granted relief for the applicant and permitted signage in excess of ordinance standards in October, 2021. It was determined that the signage does not conflict with the overall goals of the City (to limit sign clutter) and is not detrimental to the other properties in the area.

(3) Cove Lighting Request: The applicant is now requesting a waiver to permit red cove lighting on the back side of the cornice fascia on all four sides. (a) The addition of the red cove lighting is intended to accentuate the architectural features and appears to be a branding look. (b) The GPUD Design Guidelines, specifically, prohibits lighting extending along the roofline of a building as an architectural detail on buildings (along rooflines and eaves). Furthermore, the red lighting creates a "glow" which is in conflict

with the existing design character of the remainder of the development. Comment by CIB: The intent of the GPUD is to encourage variety in design, layout and the type of structures constructed, and to create aesthetically pleasing architectural features and public spaces. The GPUD Design Guidelines, approved in 2012, create the minimum standards and provide cohesiveness in design. With over 300 acres of land, a mixture of users, multiple developers and property owners, the intent of the GPUD is to have a project developed in a cohesive manner with all facets and mutually complementary. A highest quality image of the community and is accomplished through physical design that supports the collective group of buildings while allowing for individual creative design. Red cove lighting does not exist on any current buildings in the GPUD. Because the design guidelines do not permit this type of lighting, the proposal does not support the intent of the standards established as part of the overall plan and look for the development. A waiver is not warranted.

Ms. McIntyre commented should the Planning Commission find that the cove lighting is not in conflict with the intent of the GPUD and is considered accent lighting, the Planning Commission may consider limiting the cove lighting to natural colored lighting (warm white) instead of the red lighting proposed.

It is CIB's recommendation that the Planning Commission:

(Option 1): to deny the proposed red cove lighting for SPR#21-009, for Longhorn Steakhouse as the lighting is prohibited in the Gateway Planned Unit Development (GPUD) and is in conflict with the intent of the GPUD. (Option 2): Planning Commission grant a waiver to permit white accent lighting under the cornice of the building as the proposed lighting is not in conflict with the GPUD Design Guidelines and intent.

Ms. McIntyre indicated the red color and the roofline lighting are both objectionable. She stated she copied this out of the design guidelines. Natural color lighting is not defined in the guidelines or in the ordinance.

Chair Day commented he can argue that he has seen red sunsets, therefore, it is a natural color but also, he has a problem deviating from the ordinance. Commissioner Tacy agreed with Chair Day's comment.

Mr. Bob Bongiorno, Allied Signs, representing Longhorn Steakhouse. Mr. Bongiorno indicated this is accent lighting, low voltage and it is not going on the roofline. The lighting will be installed underneath the fascia board. It is the branding for Longhorn Steakhouses. The white was considered but the red LED is a softer illumination than white. Longhorn Steakhouse is looking to keep the branding uniform with all of the other Longhorn Steakhouses.

Chair Day commented he had a problem more with the extending along the roofline than with the color; he agreed that the red lighting is a softer look. Chair Day indicated

he thought this doesn't fit with the intent of what the Planning Commission is looking for in the GPUD. As part of the GPUD ordinance, the Planning Commission gave Longhorn Steakhouse the waiver to install signs on all four sides of the building.

Commissioner Lawrence commented the picture shows light being cascaded upward and asked if that was part of the lighting plan. Mr. Bongiorno answered no, the red lighting is underneath the façade.

Mr. Bongiorno commented he was not 100% sure what's on the actual building. The drawing is a demonstration. The red halo lighting around the cove and the façade is going to accent the building to show off the architectural design of the building, enhance it by having LED lighting for the cove lighting. The façade of that building is unique, they are following the guidelines of the area with the building and it would accent that design.

Chair Day commented he was concerned with ignoring the standards once and then have hodge podge looks that don't coordinate well.

Vice Chair Carter commented in looking at the picture, he did not know that the picture described what is being proposed. When you look at the picture with the red lighting, it appears the bulbs are visible running along the length of the roofline which looks completely different than what is proposed. Vice Chair Carter indicated he is a fan of indirect lighting. Vice Chair Carter agreed with the comments made that red lighting would be preferable to white or other natural lighting here.

Chair Day indicated he thought the up lighting features allow you to see the architectural details, as well; indirect up lighting is something the Planning Commission encourages.

Vice Chair Carter indicated the color picture in the package has no red lighting, only white lighting; he presumed this is a picture of an existing Longhorn. Ms. McIntyre answered yes, the picture with the red lighting is an example to show the Commission of current Longhorn restaurants. The up lighting is not what the applicant is proposing; she wanted to show the Commission how the red lighting would appear. The applicant is proposing lights hidden underneath but this is what all of the pictures they have for the red lighting. Mr. Bongiorno indicated he was not sure if this is exactly the build out or if this picture was Googled somewhere. Mr. Bongiorno indicated there are other locations in the State with cove lighting in red.

Commissioner Lawrence commented he would like to see the other locations that were done with the lighting proposed. He believed this was not an accurate picture. Mr. Bongiorno commented the letters on the building are white, and why the red accent would be beneficial; it is soft, subtle accent lighting.

**MOTION** made and seconded by Vice Chair Carter and Commissioner Lawrence to postpone **SITE PLAN REVIEW SLU#21-009: 28821 WIXOM ROAD, 22-07-426-017:** The applicant is seeking a Planning Commission waiver to permit red cove lighting along the roof line/cornice detail of Longhorn Steakhouse. The property is GPUD, Gateway Planned Unit Development, where sign packages and waivers may be approved by the Planning Commission. The parcel number is 22-07-426-017; until such time as the applicant can present an actual photograph of an existing Longhorn restaurant with the proposed color scheme.

**VOTE:**

**MOTION CARRIED**

All in favor.  
None opposed.

**Old Business:**

1. **PUBLIC HEARING FOR SPECIAL LAND USE SLU21-008: 47020 WEST ROAD, WIXOM, MI 48393:** The applicant is seeking a special land use permit from Section 18.09.040. (F) Standards applicable to specific uses, Outdoor Storage, to permit the outdoor storage of recreational vehicles in the M-1, Light Industrial District. The parcel number is 22-04-351-009.

**Discussion:**

Ms. McIntyre indicated this is a special land use and site plan application which came before the Planning Commission in February, 2022. During the discussion in February, the Planning Commission had some concerns over the use, the layout and some of the site standards that were associated with that use. As a result, the Planning Commission postponed the meeting.

The applicant made some revisions to the plan based on the Planning Commission comments and feedback. The applicant also addressed some of the informational items that were cited in the February, 2022 letter.

For the special land use request, the zoning ordinance has standards that must be met. One of the standards relates to the intended character of the general vicinity and whether the proposed use would change that character.

Ms. McIntyre indicated one of the concerns was the proposed wall along West road and the view of the parked RVs. The applicant has moved the six foot decorative fence back and is no longer proposing a wall. The fence will be behind and on the backside of

the detention ponds. The applicant is moving the fence north about 120 feet. The applicant is then proposing vegetation and reworked the landscape plan. The applicant is proposing fifteen 12 to 14 foot tall evergreens with the combination of deciduous trees and shrubs. The evergreen trees would give a year round screening. This is an attempt to alleviate some of the concerns over the curb appeal.

Ms. McIntyre stated the ordinance does require a screen wall for outside storage along West Road. The plan before the Planning Commission in February had a long discussion that the wall perhaps is more intrusive. The Planning Commission indicated that they were very interested in seeing some vegetation. If the Planning Commission does find that the screening meets the intent, then a waiver would be needed to allow the applicant to not install a wall rather the vegetation as proposed.

Specific criteria for the outdoor storage allows a maximum of 12 feet in height. The Planning Commission as the ability to increase the height limit as long as it doesn't have a negative effect for the neighborhood. The applicant is asking to increase the height to 13.6 feet to allow for taller motor homes which are becoming more popular. The proposed 12 to 14 foot evergreens are planted and the intent is that they would screen the motor homes from view along West Road.

Another concern by the Planning Commission was the maintenance and appearance of the site. For example, if there were going to be tarps or RVs that were in disrepair. The Planning Commission has the ability to place conditions on special uses related to that use. The Planning Commission could discuss limiting what kind of recreational vehicles are allowed to be parked and the covers that could be placed on the RVs.

As far as the site plan, the applicant addressed informational items; they separated out their tree replacement from Beck Road. Without going over the site plan and special land use review letters, it is Ms. McIntyre's recommendation to stand as to approve and note the conditions that would go with any approval, if that was what the Planning Commission chooses.

Commissioner Tacy indicated when looking at the renderings, she thought the iron fence would go behind the dwarf burning bushes but she is unsure; she also thought that the brick wall was still going to be a part of it and simply moved back behind the spruce but it is not clear on the drawing as to where it is.

Chair Day commented this is an application for a special land use and he understood that in order to grant the special land use, it has to meet certain conditions which Ms. McIntyre enumerated and indicated how this meets the conditions with waivers necessary. He questioned, being a special land use, just because it meets the conditions doesn't mean that we have to approve it. Ms. McIntyre stated correct, it is discretionary.

Chair Day stated he was not at the February meeting but he did read the Minutes very carefully, so the applicant has the benefit of hearing from other Commissioners. He indicated one of the suggestions is that the Commission does not want the two parcels combined because of what might come in down the road but if they were combined, this could be considered a side yard. Chair Day stated his issue with that is, even if they were combined, it would still be frontage on a major thoroughfare. He did not think that the Commission would consider either part of the corner a side yard in terms of outdoor storage. Also, the ordinance talks about a rear or side yard with the assumption that there is a building on the property. Visually, a building is what is going to draw your attention away from the storage. Here, there is only storage. He did not think there are places in the M-1 district where this type of storage would be appropriate. The picture looks nice but it is a rendering, it is not what it is going to look like in real life. Chair Day commented he did not think this is an appropriate place for storage of RVs.

Commissioner Cousineau commented he also had the same question with respect to the special land use. He indicated he did some research after the last meeting and in reading through the zoning ordinance, it indicates that if the special land use application complies with the requirements of the ordinance that approval shall be granted. However, in the same section, it states that if it is an approval with conditions, then it is when you get into discretionary approval.

Commissioner Cousineau indicated this is a unique situation in that there is no building on the site and where storage would be permitted in association with that building. Commissioner Cousineau stated he has concerns with the exposure on West Road, which is a major thoroughfare. His reaction is that if this was going to be considered by the Commission, there should be intense screening along the West Road frontage to hide the outside storage. Commissioner Cousineau also appreciated Ms. McIntyre's review letter which restricts the types of vehicles that could be stored and the prohibited use of tarps.

Mr. David Leclair, Livingston Engineering, Brighton, MI, introduced himself to the Commission. He indicated at the February meeting, most of the conversation regarding the site had to do with the landscaping, specifically, the landscaping from West Road. Also, there was a lot of conversation about the screen wall on whether it was needed or not. Ms. McIntyre did research this and found out that it was not a requirement but the Commission had the discretion to not require a wall in lieu of other landscape features which is included in the plan submitted to the Planning Commission tonight. Mr. Leclair noted the plan moved the gate back on the property to the north side of the pond as well. He also indicated they did meet with Ms. McIntyre to go through the proposed enhancements that was discussed extensively at the February Planning Commission meeting.



Mr. Jim Eppink, 9336 Sashabaw Road, Clarkston, Michigan, landscape architect for the applicant. Mr. Eppink indicated they did the original landscape plan for both parcels with regard to the feedback to enhance the screening effect of the landscape and screening of the property. From a landscape point of view, the plan, significantly, increases the size of the plantings, created a series of tiers as well as a good mix of varieties and colors.

Chair Day commented he appreciated and complimented Mr. Eppink on his effort regarding the concerns expressed at the February meeting; however, it does not alleviate the issue that there is not a building on the property. Visually, it would look like a storage yard.

Open public comments.

Mr. Michael Condon, 46969 West Road, Wixom, Mi, indicated he owns the lot directly across the road from the applicant. He owns a total of five light industrial lots. Mr. Condon commented the landscape would not change the look of the property. Trees grow, things change, and it is not maintained. He indicated this is not the intended character and we should not rely on landscape to hide everything long term. Mr. Condon commented he was not in favor of this request.

Mr. Jeff Dworin, West Bloomfield, MI, indicated Wixom has done a good job as being first rated in first class properties. In summary, he indicated there is not a building on the property, only parking spaces and the proposal is not compatible with the other properties on West Road and for the Planning Commission to deny the applicant's request.

Mr. W. Wagner indicated he owns the building across the street from the applicant. He commented he went through the ordinance and had concerns about the appearance of this proposal. Mr. Wagner indicated he highlighted what he thought were the important aspects of the ordinance and the intent of the master plan to protect the character of adjacent developments. He indicated he built the buildings next door which are high quality buildings. Mr. Wagner commented the Commission would be reducing the tax income by allowing this applicant to pursue their request. Mr. Wagner commented that it was his wish that the Commission did not approve this application because it doesn't seem to be compatible with the rest of the neighborhood.

Chair Day indicated the Commission received a letter from Mr. Sherman, a property owner at 2938 West Road, in opposition to the proposed Special Land Use SLU21-012: 47020 West Road, which will be attached to the Minutes of tonight's meeting.

Public comments closed.

Chair Day indicated he has evergreens and spruces in his yard and he has had to cut the lower branches. He also indicated West Road is not an appropriate location for the applicant's request. The ordinance speaks to rear and side yard, and here, there is not a building. For this reason, Chair Day indicated he could not support this request.

Mr. Eugene Sherizen, 1800 Self storage, indicated he believed it is allowed by right in this district; they did go back and redid the landscape as requested at the February meeting. He purchased the property last year and they are in the process of evicting some of the non-aesthetically pleasing tenants. There are vacancies on the lot, currently. Mr. Sherizen indicated he spoke to Mr. Sherman on Friday and explained their plan for improved landscape as requested and he was fine with it.

Chair Day indicated to the issue whether this request is permitted by right; again, as stated by Commissioner Cousineau, if it met all of the standards and one of the standards is nothing higher than 12 feet. This request does not meet that standard. Chair Day also indicated he did not want to accuse Mr. Sheridan of misrepresenting Mr. Sherman's position but the Commission can only accept what is on file for Mr. Sherman.

Chair Day stated he appreciated the comments and input but his position is unchanged.

Commissioner Cousineau commented he expressed his opinion at the February meeting that focused on the aspect of landscaping and screening on West Road but there were questions with respect to the principle use of the property and whether or not the special land use to permit outside storage of this nature alone would be appropriate. If the Commission approved this particular use in this location, they should make sure that it has been thoroughly vetted and it is appropriate. Commissioner Cousineau indicated since that time, he had the opportunity to look at the ordinance and addressed the fundamental question if the special land use criteria being tied to a building, which is fairly clear within the ordinance. With this plan, there is no building. With this respect, Commissioner Cousineau thought this may be an inappropriate use in this particular location. Commissioner Cousineau commented he has changed his position with respect to approval of this request. He apologized to the applicant if he misled the applicant at the last meeting, it was not his intent. At that time, he assumed the special land use was probably a "shall approve" versus a discretionary approval.

Commissioner Lawrence commented he also had changed his position.

**MOTION** made and seconded by Commissioner Lawrence Vice Chair Carter to approve **SPECIAL LAND USE SLU21-008: 47020 WEST ROAD, WIXOM, MI 48393:** The applicant is seeking a special land use permit from Section 18.09.040. (F) Standards applicable to specific uses, Outdoor Storage, to permit the outdoor storage of recreational vehicles in the M-1, Light Industrial District. The parcel number is 22-04-

351-009; with the conditions stated her letter to the Commission dated March 23, 2022 which includes:

1. A waiver for the curbing on the east side of the parking and drive aisle; and
2. A waiver to permit a height of 13'6" for the maximum height of the recreation vehicles; and
3. A waiver to permit 12 - 14 foot evergreens, a decorative fence, and shrubs in lieu of a brick wall; and
4. Optional: Limit parking to motor homes (Class A, B and C); and
5. Optional: Prohibit trailers, fifth wheels, toy haulers, travel trailers, and pop-up campers; and
6. Optional: No tarps are permitted. Fitted covers, custom to the motor home, may be permitted in white, tan or light grey; and
7. Site plan approval; and
8. Verification of Fire Department and HRC approval of the circulations; and
9. Review and approval of the other consultants, departments and agencies.

**VOTE:**

**MOTION DENIED**

**Vote 4 to 1 to deny.**

**Yes: Carter**

**Nay: Day, Cousineau, Lawrence, Tacy**

2. **SITE PLAN REVIEW SPR22-001: 47020 WEST ROAD, WIXOM ROAD, WIXOM, MI 48393:** The applicant is seeking site plan approval for a 66-space recreational vehicle storage lot. The property is zoned M-1, Light Industrial District, where outdoor storage is permitted as special land use in that district. The parcel number is 22-04-351-009.

**Discussion:**

Chair Day indicated this discussion is moot since SPECIAL LAND USE SLU21-008 was denied.

**Call to the Public:**

No public comments.

**Staff Comments:**

Assistant City Manager Benson indicated as an FYI, City Council has requested city administration to look at all of the contracted services over the course of time and to rebid as a matter of procedure. CIB Planning will be one of the contracts up for bid in the coming weeks. He indicated he did not know the prior procedures for involvement in the process, and perhaps the Commission would the opportunity for feedback and/or involvement in the City administration's review for planning consultant.

Chair Day indicated he thought the Commission should have input and should have an opportunity to review applicants, if these are the people that the Commission is going to be working with. He also indicated other firms should be given an opportunity to come in and tell the Commission why they should be the ones the Commission uses.

Commissioner Tacy commented she would also be curious to hear as part of their presentation what they feel is working well for the City in terms of some of the Ford properties and in terms of the VCA. There is not a lot of land left. Commissioner Tacy indicated the company does not to reveal all of their tricks but at the same time, in order for the Commission to feel that they are making a decision comfortably knowing that there is confidence in that firm will take us where we see ourselves and our community to go.

### **Commission Comments:**

Commissioner Lawrence asked if there was any word on the repaving on Maple Road between Beck and Wixom Road. He commended Tim and his DPW crew because they went out and filled the patches, but, of course, only lasted a short time; the holes are coming up as fast as they can be filled.

Assistant City Manager Benson commented he did look at the ten year capital plan. Maple Road II is the next road project on the ten year capital plan. West Maple Road is in the capital plan in 2023 for engineering. Potter Road is on the agenda for 2027-28.

Commissioner Lawrence asked who was responsible for the right of ways, the driveway aprons going into a strip mall, for example, by Chase Bank. Assistant City Manager Benson indicated he believed it is the property owner's responsibility even if it is in the right of way.

Commissioner Lawrence commented the City has a problem with enforcement of ordinances; he did not know how the City enforce if the property owner is responsible. Assistant City Manager Benson indicated the City of Wixom, currently operates on a complaint based code enforcement system. It is more cost effective; there is not someone, generally speaking, driving around the community looking for code enforcement issues.

Commissioner Tacy commented she was on the fence regarding the site plan proposal tonight, she did want to see the landscape, and their plan, but the City does not have a good track record of making people keep their landscape in the fashion in which it is approved. Her concern would be that there would be nothing, no trees, etc., in the future.

Commissioner Tacy indicated as part of the process of giving final occupancy, there should be to remove all of the soil erosion barriers, so it is not an eyesore, and also that the drains function properly.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 9:00 p.m.

Mona Freiburger  
Recording Secretary