

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
Monday, May 2, 2022**

The meeting of the Planning Commission was called to order by Vice Chairman Carter at 7:36 p.m. and the Pledge of Allegiance was recited.

PRESENT:

Chairman:

W. Day (Excused)

Vice Chairman:

P. Carter

R. Cousineau (Excused)

S. Grossi

M. Lada

A. Lawrence (Excused)

C. Tacy

ADMINISTRATION:

Planning Consultants:

C. Avantini

K. McIntyre

AGENDA CHANGES: (None)

APPROVAL OF MINUTES:

Vice Chairman Carter asked his comment halfway down on page 5 be corrected to say that “he *was* a fan of indirect lighting”.

MOTION MADE AND SECONDED BY COMMISSIONERS LADA AND TACY TO APPROVE THE MARCH 28, 2022 PLANNING COMMISSION MEETING MINUTES WITH THE CORRECTIONS.

VOTE:

MOTION CARRIED

CORRESPONDENCE:

- 1.) City Manager’s Update of April 26, 2022
- 2.) Chipotle letter of support from Todd Keyser, Chipotle Mexican Grill Senior Real Estate Manager

CALL TO THE PUBLIC: (None)

NEW BUSINESS:

- 1.) **Discussion Regarding the Proposed Amendments to Chapter 18.16, Signs, of the Wixom Code of Ordinances, and Schedule a Public Hearing for the Proposed Amendments**

Mr. Avantini explained the Sign Ordinance was revised previously to adhere to a ruling of the Supreme Court. Recently, the City Attorney requested further revisions be made to remain in compliance with the current pending litigation. He stated significant changes to the purpose and intent were done. Also, the definitions had been amended to include accurate descriptions -and to accommodate any new upcoming signs. Additionally, they’ve clarified electronic message board signs, flags, billboards, temporary signs, construction and maintenance of the signs.

Ms. McIntyre thought it was important to mention that they could only regulate the size, materials used and direction of the sign, not the content on the sign.

Vice Chairman Carter noticed the following concerns and thought they needed to be addressed:

- The picture under Marquee Sign (page 7, #18) shows a perpendicular sign but the definition indicated parallel
- The word “shocking” under illumination should be further clarified because the term was subjective; however, if the attorney was okay with the term than he’d conform.

Commissioner Tacy commented that the image of the monument sign was located under Portable Sign and should be moved (page 8).

Mr. Avantini said many individual letter signs had recently included a solid color backer to disguise the mechanical hardware and create a stable wall anchor. Approval of the backing colors would be handled administratively unless the color was not a natural color.

Commissioner Tacy preferred if the Ordinance did not read too obscure regarding stake signs. She questioned the intent when they included wire stake signs among the prohibited signs. Ms. McIntyre indicated they would add additional clarification to the Ordinance as wire stake signs were only temporary and exempt from permitting as long as they followed guidelines.

MOTION MADE AND SECONDED BY COMMISSIONERS TACY AND LADA TO APPROVE THE PROPOSED AMENDMENTS TO CHAPTER 18.16, SIGNS, OF THE WIXOM CODE OF ORDINANCE, AND SCHEDULE A PUBLIC HEARING FOR THE PROPOSED AMENDMENTS.

VOTE:

MOTION CARRIED

2.) Use Determination: 28703 Wixom Road, Wixom Michigan 49383: The Applicant Seeks a Use Determination from the Planning Commission on Carry-out/Pickup Windows

Ms. McIntyre said a site plan for a Chipotle Restaurant at 28703 Wixom Road was submitted to the City. The site plan designated a pick-up window. Given the site fell within the GPUD Menards Development Agreement where drive-through restaurants were not permitted, they needed to obtain approval from the Planning Commission. She said Chipotle considered themselves as a fast-casual restaurant with a dining room for patrons to sit down or the option to carry out. She stated the GPUD Agreement did not specifically dictate carry-out/pick-up windows, so the Planning Commission could make the determination if a pick-up window was similar or not to a drive-through window.

Mr. Avantini explained the original intent for the former Ford site was research and development; however, City Council figured they should kick start development and incorporate retail/sit down restaurants. He’d noticed incoming site plans for sit-down restaurants had changed since the pandemic as they’ve all included some type of pick-up window. He believed that allowing this particular applicant’s pick-up window would not create a precedence for the next applicant to have a drive-through or pick-up window.

Attorney Sam Kilberg of 39577 Woodward Ave., Bloomfield Hill, Michigan spoke on behalf of ECC Wixom Road, LLC. He stated that 80% of Chipotle Restaurants built incorporated a pick-up window. He commented that Chipotle would not have the typical drive-through window where you paid at one window then picked up food at another. The Chipotle customer would be given a set time to pick up their food with no cash exchanged. They’ve discovered the average time spent by the Chipotle

customer at a pick-up window was less than one minute. He hoped the Planning Commission would utilize their authority and allow the pick-up window as an ancillary use.

Commissioner Tacy understood the customer would be directed to a parking space if their order wasn't ready when they arrived, but she didn't know the process afterward.

Tony Schmitt of Mid-America Real Estate, 38500 Woodward Ave., Bloomfield Hills, Michigan said in that scenario the Chipotle employee would bring the food out to the customer.

Vice-Chairman Carter asked what prevented this from generating into a drive-through. Mr. Schmitt said it wasn't designed for a drive-through as there wasn't a microphone, cashier, menu boards, exchange of money, etc. The former style of carry-out service where you parked your car and walked into the restaurant changed after the pandemic. During the pandemic when folks wanted minimal contact and couldn't go into buildings, carry-out windows became popular and proved to be successful.

Commissioner Lada understood things came before the Commission on a case-by-case basis, but he was concerned this would open the flood gates. He wondered how many un-developed lots were left on the site. Mr. Avantini said they only had two undeveloped lots left. He stated that sit-down restaurants were always the intent of the site, but sit-down restaurants had evolved within the last few years.

Commissioner Tacy stated hypothetically speaking if Burger King created an app that allowed food to be ordered beforehand then picked up later, they would meet the criteria of intended use. Mr. Avantini said many Burger King dining rooms were still closed from the pandemic because their drive-through windows were so successful.

Vice-Chairman Carter commented that this was not an experimental situation because pick-up windows appeared effective in other communities. He supposed that people didn't want to be sitting in a line somewhere, and were used to ordering from their phone then picking it up. He asked to view the site plan so he could locate the spaces where customers would wait for their food.

Ms. McIntyre specified the intent of Chipotle was for patrons to sit down as they provided outdoor and indoor seating. She stated that they've asked the applicant to provide dedicated information regarding the customer parking, and for a very specific use statement on how the building would be used.

Jim Mosher of 841 East 64th Street, Indianapolis, Indiana worked with the developer of the property and been involved with this project for the last three years. He said they planned to incorporate customer waiting parking spaces and parking spaces for people that placed their orders ahead of time but wanted to walk into the restaurant. He passed around a visual of the proposed Chipotle Restaurant. He commented that the lease for this restaurant had been fully negotiated contingent upon approval of the pick-up window.

Commissioner Lada asked if they had a ball-park figure of the number of cars that would go through during peak time. Mr. Mosher did not have that information, but said they were so certain cars would not be stacked that they didn't include a lane around the building. He thought it was important to note that LongHorn Steakhouse prohibited another full-service sit-down restaurant on that site for parking reasons. He said that LongHorn did not want the appearance of too many cars then potentially deter customers from going into their restaurant assuming it was too busy.

Commissioner Grossi said that he spoke to various commercial real estate brokers, agents, developers and architects. From what he learned and believed, denying carry-out windows may become problematic for development on that site.

MOTION AND SECONDED BY COMMISSIONERS TACY AND GROSSI TO ALLOW A CARRY-OUT PICKUP WINDOW USED EXCLUSIVELY FOR PRE-ORDERED FOOD BE GRANTED TO CHIPOTLE MEXICAN GRILL OF 28703 S. WIXOM ROAD, WIXOM, MI 48393.

VOTE:

MOTION CARRIED

OLD BUSINESS:

- 1.) Site Plan Review SPR#21-009: 28639 Wixom Road, Wixom, Michigan 48393: Applicant Seeks a Waiver from the Planning Commission to Permit Red Cove Lighting Along the Roof Line of LongHorn Steakhouse. The Property was GPUD, Gateway Planned Unit Development, Where Sign Packages and Waivers May Be Approved by the Planning Commission**

Ms. McIntyre said when this case had come before them before, the pictures provided did not give a proper representation of what the applicant wanted. For that reason, the Planning Commission postponed the case until the applicant could offer photos with what they hoped to have for the restaurant. She provided pictures given to her by the applicant. Ms. McIntyre asked that the Planning Commission to approve the red cove lighting, approve another style cove lighting or deny cove lighting all together.

Vice Chairman Carter recalled the concerns were in regards to color (natural vs. un-natural) and the specific style of the lighting.

Commissioner Tacy said that she was more inclined to approve a dim warm white light than a red light. She thought that location had substantial lighting coming from the parking lot and stores behind the restaurant.

Commissioner Grossi agreed with Commissioner Tacy. He recalled a few years back the Planning Commission denied the purple tube lighting that Taco Bell wanted.

Jim Fields of Allied Signs, 33650 Giftos Drive, Clinton Twp., Michigan explained the recent pictures demonstrated a few different ways LongHorn Steakhouse utilized cove lighting. He was aware they denied the lighting at Taco Bell, but stated that was LED stripe lighting with exposed neon and a mounted face. He said cove lighting had an ambient affect because it was tucked behind something. He knew of many restaurants and hotels that used cove lighting to accent their upper buildings. He assured them that the cove lighting wouldn't have the tubing look, and the lights from Menards and At Home would make the red appear more toned down.

Commissioner Lada didn't think there was another business in the City of Wixom that had cove lighting.

Commissioner Grossi was curious why the cove lighting wasn't part of the LongHorn Steakhouse site plan. Ms. McIntyre said it was found when they submitted their electrical permit application with the City.

Mr. Fields suggested they review their Sign Ordinance to determine if they highlighted specifically "exposed border tubing". Banning "exposed border tubing" would include LED tubing lights.

MOTION AND SECONDED BY COMMISSIONERS LADA AND TACY TO DENY THE PROPOSAL OF RED COVE LIGHTING FOR SPR#21-009, LONGHORN STEAKHOUSE, 28639 WIXOM ROAD, WIXOM, MICHIGAN 48393, AS THE LIGHTING WAS PROHIBITED IN THE GATEWAY PLANNED UNIT DEVELOPMENT (GPUD) AND IN CONFLICT WITH THE INTENT OF THE GPUD.

VOTE:

MOTION CARRIED

2.) Discussion Regarding the Proposed Revisions to Chapter 18.07, Village Center Area District (VCA), of the City of Wixom Zoning Ordinances

Ms. McIntyre said they revised the Ordinance after receiving valuable feedback from the Joint Meeting of City Council, Planning Commission, DDA, ZBA and Parks and Recreation. The proposed revisions addressed the concerns regarding multifamily. They had limited multifamily to being mixed-use only (first floor was retail/commercial and the living space was above). Criteria had been revised to require multiple family dwelling units to have frontage along Pontiac Trail or Wixom Road. Plus, they've limited the number of attached single-family dwelling units to four. She mentioned they increased the size of the live/work dwellings from 900 sq. ft to 1,200 sq. ft.

Commissioner Tacy didn't envision the three and four attached single-family dwellings on the main stretch of the Downtown, but more east or behind the buildings that faced the main thoroughfare. For example, if the plaza with Little Caesars were available, she wouldn't want to see single-family but commercial at that location. She pictured the single-family dwellings behind the commercial buildings. Ms. McIntyre understood and said they could re-write it to prohibit tri-plex or quad-plex single-family dwellings along Pontiac Trail or Wixom Road. Additionally, they would re-write the Special Land Use criteria to coincide with that. She commented how they had ability to write the Ordinance to only allow certain uses on particular streets. Commissioner Tacy thought specifically designating streets was a creative and effective way to allow development to occur but the way they wanted it.

The general consensus of the Planning Commission was they were in favor of dictating what was allowed and what wasn't for each street within the VCA.

CALL TO THE PUBLIC: (None)

STAFF COMMENTS: (None)

COMMISSION COMMENTS: Commissioner Lada asked if administration notified Dunkin' Donuts about their sign as it needed to be fixed. Ms. McIntyre said they were looking into this.

ADJOURNMENT:

The meeting was adjourned at 9:29 p.m.

Crystal Opalko
Deputy Clerk