

APPROVED
JANUARY 16, 2023

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

This meeting was called to order by Chairman Day of the Planning Commission at 7:30 p.m. at which time allegiance was pledged to the American flag.

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

ABSENT: Excused: Sandro Grossi

OTHERS: Ben Carlisle (Carlisle Wortman Associates, Planning Consultant); 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:

No changes or additions to the Agenda.

Approval Of Minutes:

MOTION made and seconded by Vice Chair Carter and Commissioner Lawrence to approve the November 9, 2022, Planning Commission Meeting Minutes, as submitted.

VOTE:

MOTION CARRIED

All in favor.
Motion passes.

Correspondence:

November 15, 2022 City Manager Update

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

Mr. Dale Schnepf, representative of St. Matthews Church, Pontiac Trail, Wixom, MI. Mr. Schnepf commented that when they built their facility twenty years ago, their plan was to build the church in the front and then convert the church into a daycare center, which it is now also, then add on different buildings in the back of the property. Mr. Schnepf's concern is when looking at the map, the proposed plan may cause a hinderance because it is going to be labeled low intensity subarea, which is, basically, residential. Mr. Schnepf presented some maps to the Commission to show their long term plan. Their plan was to take the 15 acres and develop it as a church facility for the Wixom community. In the proposed subareas, their property would be divided into 1/3 in front as the core area and then 2/3 of the back as the light intensity area.

Mr. Jeff Sovel, 2901 West Maple, Wixom, MI, asked in the new zoning plan why the parks aren't designed with a zoning code that forbids residential development instead of being classified as low intensity.

Chairman Day commented these questions would be discussed under New Business by Mr. Carlisle.

New Business:

1. **PUBLIC HEARING ZONING MAP AMENDMENT:** The purpose of the public hearing is to: Consider making **Zoning Map Amendments to rezone the Village Center Area (VCA)** by dividing it into three sub-areas: VCA Core (VCA-C); VCA Transitional (VCA-TR); and VCA Low Intensity (VCA-LI).

Discussion:

Letter dated November 22, 2022 from Carlisle Wortman Associates, Inc., is referenced in packet to the Planning Commission.

The Planning Commission met on October 17, 2022 to discuss the overall vision of the Village Center Area and to discuss specific amendments. Based on the direction from the Planning Commission and the experience of Carlisle Wortman Associates in drafting zoning regulations for similar communities, Carlisle Wortman Associates edited and amended the most recent draft of the Village Center Area zoning ordinance.

The major amendments include:

- Reformatted document to make more user friendly
- "Broke up" VCA into three sub-areas:

- Core Sub-area: The Core Sub-area of the VCA is recognized as the center and most dense portion of the VCA.
 - Transition Sub-area: The Transition Sub-area of the VCA is recognized as the area of transition between higher intensity development in the Core sub-area and the adjacent neighborhoods including those in the Low Intensity sub-area.
 - Low Intensity Sub-area: The Low Intensity Sub-area is recognized as the area of lowest intensity within the VCA with a focus on single family residential uses.
- Each sub-section includes:
 - Intent statement to better distinguish the purpose of each sub-area.
 - Bulk regulations.
 - Design requirements.
 - Amended use table to edit uses based on the intent of each sub-area and direction from the Planning Commission.
 - Removed graphics that didn't relate to bulk regulations. New graphics will be inserted once the Planning Commission reviews the ordinance.
 - Added parking deviation standards to provide review criteria for the Planning Commission to consider when evaluating request.
 - Added additional screening requirements for parking area and for mechanical equipment.
 - Added deviation section that permits the Planning Commission to grant dimensional and signage deviations, if specific standards are met.

Mr. Carlisle, Carlisle Wortman Associates, introduced himself to the Commission and public. He indicated Carlisle Wortman Associates had recently been retained by the City to assist in planning consultation. One of the first orders of business was to work with the Planning Commission on updating the VCA ordinance. Carlisle Wortman met with the Planning Commission on October 17, 2022 to discuss their vision of the VCA area as well as any amendments that the Planning Commission thought Carlisle Wortman Associates should do moving forward. Based on that discussion from the Planning Commission and their experience with other communities, and best practices, Carlisle Wortman Associates amended a draft ordinance for the Planning Commission consideration tonight as part of the public hearing.

Mr. Carlisle noted he wanted to focus on the major amendments tonight for discussion as they did a significant amount of reformatting the document. The purpose of this

reformatting is to make the document more user friendly for the Commission and the public. Mr. Carlisle indicated there were a lot of track changes to the documents, reshifting some of the language and document, itself.

Mr. Carlisle indicated based on the direction from the Planning Commission, they broke the VCA into three subareas of the ordinance.

The first is the core subarea which is outlined in blue. The intent of that is to recognize this is the center of the VCA which is trying to promote in a more urban style, urban type of development. It includes areas of mixed use, less residential focus, more intensity of commercial retail and service type pieces.

The second subarea is purple in color which is the transition area. It is the area between the more intense village core area and the less intense third category which is the low intensity subareas. This area serves as a buffer between the denser urban core and the less dense low intensity subarea.

Mr. Carlisle noted it was important to designate and highlight the changes. He also thought it was important to distinguish the areas from a buildout standpoint. He indicated he thought, if challenged, it is really important to distinguish areas in the purpose and intent.

In addition, based on the direction of the Planning Commission, Carlisle Wortman went for the use table line by line and use by use. Carlisle Wortman amended the use table based on the direction of the Planning Commission as well as the intent of what they are trying to achieve in each of the subareas. There are now three columns in the use table. For each subareas, there is a column and the uses differ based on the subarea.

Mr. Carlisle indicated there were a number of graphics that were in the previous draft; they removed those graphics because a lot of them didn't relate to the regulations of bulk standards. They will insert the graphics back in based on the direction of the Planning Commission.

Carlisle Wortman added parking deviation standards that allows the Planning Commission to grant relief of parking standards. They also added specific standards that the Planning Commission should use to consider those deviations so there is some legal standings as to how and they will grant parking deviations to the ordinance. Additional screening requirements for parking areas and for mechanical equipment were also added to buffer and soften up those areas.

Lastly, Carlisle Wortman added a deviation section that permits the Planning Commission to grant both dimensional and signage deviations, if there are specific standards that are being met as part of the application.

Mr. Carlisle indicated above are the most significant changes to the ordinance. He stated there were some questions in the last part of his memo that he thought were important to the Planning Commission to discuss tonight.

Mr. Carlisle addressed the two questions from the public hearing. First question was about split zoning or split dividing of the St. Matthew's property. When reviewing the merits of the two different zoning destinations, the thought was the back half relates to low intensity subareas and the front half is part of the village core area that fronts on Pontiac Trail. If that is still a thought, the Planning Commission can consider, one, reclassify in a redesignated area; the other option would be to change some of the uses that the church plans to allow some flexibility; or three, reclassify the entire property to one designation or another.

The second question was regarding rezoning the parks or designating parks as a rezoning category. Mr. Carlisle noted with the current ordinance, the park property right now has a lot more allowable uses and it is not separated as part of a subarea. All of the uses that would be allowed, currently, would be your core or also allowed in the park property because it is not separated from a designation to the zoning standpoint. By separating it into categories and putting it as a low intensity area, you are automatically downzoning that area to allow for less uses in the park area. He indicated no communities has a single park zoning designation. A lot of communities have placed parks under a community facility designation and treat parks as they would treat schools, a civic campus, etc. There is not that designation in the ordinance right now. To start this process and create a separate zoning category, it would take extra time because they have to consider the city as a whole to create the new zoning designation; it wouldn't just do it just for this particular piece of property. The most single advantage is that it protects the City from themselves in the future because it reduces the amount of uses in that designation. The disadvantage would be, if at some point, the City would like to sell the park. If the zoning is already in place, it is a much easier process than if it is not in place.

Assistant City Manager Benson pointed out it wouldn't just be City owned parcels that would be subject to this. This could create conflicts such as the West Maple property that the school is trying to sell right now as an example, if that is zoned with a designation that doesn't allow any underlying uses, sometimes the community partners could get upset. This creates a long negotiable process to be able to turnover those properties. The City does not have any park zoning. Technically, Gunner Mettala is part of the City's Downtown Development Authority (DDA) and being zoned supports the claim that the park is part of that; why it is part of the DDA is so that funding can be spent there. The proposed would reduce the amount of development potential at a park by zoning it; you are taking away uses and bulk to bulk intensity, etc. It increases the opportunity for it to remain a park.

Chair Day commented the introduction was pertaining to both items of New Business with the map and amendments. Mr. Carlisle indicated you really can't speak about the proposed changes in the subareas without talking about zoning text amendments and vice versa; they go hand in hand with each other.

Commissioner Tacy commented the St. Matthew's property was discussed in doing the split zoning and the intent was to encourage, if the property turned over, keeping the commercial towards Pontiac Trail. She indicated they were also aware of the fact that this could cause a difficulty if St. Matthews' wanted to develop deeper on the property, they would be able to pursue a special land use because they do fall into a split zone. Mr. Carlisle answered they would only be allowed to seek a special land use for those uses that are located within the area that they are zoned. The area that is in blue would only be able to seek the uses of both environments that is located in the core district. The areas that are in the pink color, the same considerations. They would only be allowed to seek special uses and uses in that particular area that's in the VC Low Intensity area. Split zoning on a parcel is unusual, it is something they try not to do because of these issues but it has been done before.

Commissioner Lada asked if it was be simpler to change it to special land use for some of these places of assembly and worship listed on page 8. Mr. Carlisle indicated it was his understanding there are other uses they want to do in the backside of the property that aren't necessarily to deal with a place of worship. By rezoning this property, they are allowed to continue in perpetuity for what their current use is; any expansion change of use, etc., they would have to follow the current ordinance; but what they are allowed to do there, they would be allowed to do forever.

Mr. Carlisle noted that many of the uses the Commission may have concerns about in the core which would be special land use, they would have to come before the Commission and receive special land use approval as well as go through the site plan process, as well. There would be an extra level of review of the Commission.

Mr. Carlisle indicated if the Commission redesignated this area all a part of the core, the main thing the Commission is concerned about would be special uses and the applicant would have to come back before the Commission for approval. Right now, the current zoning, many of the uses that they are talking about would not be allowed.

Commissioner Lada commented if daycare is their future use there, that's not permitted in the core; this area should be transitional. Mr. Carlisle commented there are uses that are permitted in the core, uses that are permitted in the transition and vice versa. Whether designated as transition or core, there may be some uses that may not be allowed. The other option is to make daycare a special land use in the core. There are a lot of ways to divide this, and there are a lot of options to consider. The core designation is to designate everything along Pontiac Trail as part of the core area. Mr. Carlisle indicated if St. Matthews' did an expansion in the current facility in its current

location, that would not be allowed. If they did an expansion in the back of the property or a new daycare in the back of the property, they would be permitted, if this was rezoned as transitional. Chair Day commented it would be his suggestion to redesignate the St. Matthews Church, American House, and ITC powerlines as transitional. He indicated he would like to leave the core to Pontiac Trail. Commissioner Tacy indicated the thought of leaving the blue area was so that in the future, if things change over, they can still promote the commercial along the corridors but it does open it by doing the special land use. It gives them the flexibility and allows the opportunity.

Commissioner Lada clarified that on page 8 day care centers for children, adult day care homes for the core area would both be changed to special land use. The three properties: ITC, St. Matthews and American House would become transitional.

Commissioner Tacy commented the document that doesn't have the core matting callouts, page 13, referencing flex space housing/live work dwelling units, G, have a private exterior space on the upper stories. This is supposed to be in the rear only, when feasible. The private exterior space is supposed to be in the rear only, when feasible. The Commission indicated they do not want the exterior spaces along the front faces on Pontiac Trail. Page 13, VCA Core subarea specific requirements number 3, flex space housing/living work dwelling units shall: G., have a private exterior space on the upper stories in the rear only, where feasible.

Public hearing open.

Mr. Spencer Schafer, Schafer Development, 31400 Northwestern Hwy., Suite H., Farmington Hills, MI. 48331, indicated they would like some clarification on the allowable uses in the proposed VCA low intensity subarea. Schafer Development presented a redevelopment proposal on the Cavallaro property located at 3015 W. Maple Road. The parcel is located west of Gunnar Mettala Park, just east of the ITC easement. After two conceptual meetings with the Planning Commission in late 2021 and early 2022, Schaefer Development submitted a site plan for a luxury, empty nester, attached single family housing product. The site plan approval meeting was tabled in June, 2022. At that meeting, the Planning Commission shared insightful feedback to Schafer Development. Schafer Development left that meeting with the assumption that if they incorporated that feedback into the plans, it was a possible the plan could be approved via a revised site plan submittal.

Mr. Schafer also indicated they had an informal meeting last month with Mr. Benson and Mr. Lewan of Carlisle Wortman Associates to share their revised conceptual plan and discuss some changes that were made to their elevations per the Planning Commission's desire to see a great degree of variation along roof lines and rear elevations. As they were gearing up for a formal site plan resubmittal, they decided to put their plans on hold once they saw the new draft ordinances for the VCA low intensity

area. The low intensity area only allows single family detached; it did not consider single family attached. Schafer Development believes that they revised plan better fits within the vision of the VCA ordinance as they have adjusted it to better adhere to current ordinance requirements. Additionally, they thought they had reached least a basis of compromise on sidewalk placements, setbacks on the sidewalks, some additional storage options, the garages as well as rear architectural enhancements.

Mr. Schafer indicated they must know whether the City is still open to considering an attached single family product within the low intensity subarea before they spend any additional time or money on a revised site plan submittal. Mr. Schafer commented they appreciate the Planning Commission's consideration and hope that they can work with the City to clarify this attached single family product to be an allowable use under the low intensity subarea.

Mr. Dale Schnapp, St. Matthews Church, commented he did not know how the split was going to be defined. He indicated the third option, although more controversial, would be to take St. Matthews out of the VCA area.

Mr. Albert Cavallaro, 3015 West Maple Road, Wixom, MI, commented he has lived in Wixom his whole life and lived at the above residence since 1982. He indicated when he moved to this residence, he did not have water problems. In the 90's, they started filling Maple Forest Courtyard, his property was flooded. Mr. Cavallaro presented pictures of the flooding to the Commission. He indicated he spent \$20K of his money, not fixing the problem, but graded it with a laser so when it floods, it would eventually leave. Maple Forest Courtyard does not have a retention pond. It is flooding the park, it has destroyed his property; it is a natural waterway. Mr. Cavallaro indicated the City needs to get the DPW involved to clean the waterway so the water can flow. Mr. Cavallaro commented he feels they have been treated poorly.

Mrs. Debra Cavallaro, 3015 W. Maple Road, Wixom, MI, indicated she has been living at this residence for 40 years; she loves it, raised their kids there, and had a little farm on the property. The current VCA ordinance allows the developer to build or construct a project that allows up to 25 dwelling units per acre. They are, currently, situated on almost 14 acres of property. The current ordinance would allow a 350 unit development by right. The developers, Schafer Development, who they are under contract with are proposing a project less than 100 units. Mrs. Cavallaro commented she did not understand the pushback from the City. She indicated they have reached out to a land use attorney and was told that it is extremely unusual to have a zoning change in the middle of a development proposal that has already been submitted to the City. She indicated they did not understand the reasoning or logic behind the VCA rezoning proposal unless the City has limitations for the type of development that can be allowed on their property. Mrs. Cavallaro commented they did not object to the VCA ordinance when it was created as they believed it would seek the benefit of this rezoning when they, ultimately, sold their property. They feel it is unfair that the Robertson Brothers

development and the two newer single family developments to the West were able to build with significant deviations from the VCA ordinance.

Mrs. Cavallaro commented that they have endured substantial storm water issues on their property due to these developments; and recently discovered they now have regulated wetlands on their property due to the added storm water and runoff from the surrounding developments. They believe this is due to the overflow of the poorly maintained drain just north of their property on the City's Gunnar Mettala property. Overflow of this drain during certain seasonal events has created a regulated wetland in the NE corner of their property. They have endured all of this change and the problems associated with it. It is their expectation that they should be treated the same as everyone else who has sold property within the VCA. The Cavallaro's own the largest remaining undeveloped property in the VCA. D

Mr. Brad Cassell, 425 North Wixom Road, Wixom, MI, resident for 15 years. Mr. Cassell indicated he retired from the City after 22 years in the fire department. He commented he knew for a fact that the City's sewer systems cannot handle these houses being built; the City does not have the infrastructure.

Public comments closed.

Mr. Carlisle commented, currently, the Cavallaros and Schafer Development could do the proposed development as presented to the Commission. He believed the issues that were discussed dealt with architectural quality, materials, etc., The fundamental question is the use of attached one family residential. Mr. Carlisle indicated if the Planning Commission feels that there are issues that could be dealt with outside of that issue of use, if it is simply issues of potential density, issues of engineering, materials, etc., those are issues that could be dealt with in the site plan process, and in the special land use process. If there was an intention of the Planning Commission to consider that use, the Commission wouldn't necessarily have to rezone the property and allow as a permitted use. Right now, text is written as a non-permitted use. The Commission would have to amend the table to add item or add it to a special land use.

Assistant City Manager Benson gave some insight on the drain issue. This is an unnamed drain; the City does not have easements or any specific jurisdiction on top of that like the Norton Drain or County drains. This is an identified issue area. He did not know if a long term fix has been identified. There probably should be some sort of storm water detention factored into any development that goes into that area that would help address the area as a whole. The city owned property where the water collects back there is completely undeveloped by the City. Mr. Cavallaro commented this is a natural waterway that is run by the DNR. This is, essentially, ruining their property.

Commissioner Cousineau commented this is a mechanical issue that is not related to site planning other than the Schafers or whoever will develop the property; it would have to handle the water coming through the property and provide some level of detention to try to relieve any flooding.

Mr. Carlisle commented there is nothing in the text that would prohibit rental properties. Mr. Carlisle thought it is illegal to have a provision in there, as you can't discriminate or distinguish between rentals or for sale properties.

Mr. Carlisle indicated if a change is made to the use table or to a specific subarea, it would affect all of the parcels in the subarea.

Commissioner Tacy commented if the calculations based on the way the ordinance is currently written, if the property were to be subdivided into single family dwellings as the rest of the VCA, the density could be greater than what it would be if the special land use were put in. Mr. Carlisle indicated yes, under the underlying density; it could be more intense in terms of number of units than discussed in reclassifying and rezoned in. The caveat is when you put in a single family, you have much more structured roads, etc., which take up more area. The actual number of units may be less but the underlying number may, potentially, be more under the current zoning.

Assistant City Manager Benson commented that he realized to a degree, they are talking about the Schafers project, they need to be careful and not dive into the discussion about a specific project while talking about the ordinance as a whole.

Commissioner Lada commented he would be inclined not to change it, if it is going to change that entire area and the actual overall property density does not change by that much.

Commissioner Cousineau commented, as a developer, he shared the frustrations of the Cavallaros and the Schafers as he has been involved in situations where there have been zoning changes to properties while working on them.

Chairman Day commented the Planning Commission was not in the position tonight to recommend either of these to City Council at this point in the discussions.

Mr. Carlisle suggested the creating the separate zoning designation, community facility, for the parks. Mr. Carlisle indicated he has a little less concern about the park being developed because it would be such a change in shift in the City and he didn't think that would happen before we have a chance to explore the opportunity of rezoning it a community facility.

Mr. Carlisle commented after this discussion, we should come back as a body and discuss the creation of a new zoning designation of community facility where we can put parks and put other city owned properties into that which would protect future development or lack of development for those particular areas.

Chair Day commented he would like to see potential standards for special land uses in the Low Intensity area.

Commissioner Tacy inquired if somebody came before the Commission and presented a concept for special land use, would there be verbiage to give the Planning Commission the opportunity to defend and say why it may be appropriate in some places but not necessarily in other places. Mr. Carlisle stated he thought so. Mr. Carlisle felt it was important that we define the intent of each of these subareas so that we can really speak to the differences between the two to say the defensible reason to say no, if there is a use that is not compatible with that particular district.

The public hearing was closed. Mr. Carlisle recommended to the Planning Commission to open the public hearing again, set it to a date certain to allow for people to comment at the public hearing but they would not have to go through the process of having to re-notify everybody.

MOTION made and seconded by Vice Chair Carter and Commissioner Lawrence to reopen the public hearing for Zoning Map Amendment and Text Amendments until, tentatively, the first regular meeting of the Planning Commission on January, 4, 2023.

VOTE:

MOTION CARRIED

All in favor.

Motion passes.

2. **PUBLIC HEARING ZONING ORDINANCE TEXT AMENDMENT:** The purpose of the public hearing is to: Consider text amendments to the City of Wixom Zoning Ordinance **Chapter 18.07, Village Center Area District, Sections 18.07.01 through 19.07.090**. The amendments will clarify and update the district intent; schedule of uses; requirements and standard applicable to all uses; height and placement, commercial and residential architecture requirements, and street design requirements.

Discussion:

This discussion was included above under New Business, 1.

Old Business:

1. **APPROVAL OF 2023 PLANNING COMMISSION SCHEDULE AND RESULTING AMENDMENT OF PLANNING COMMISSION BY-LAWS:**
Consider amendments to the Planning Commission By-laws to change the regular monthly meeting dates from the first and fourth Monday of each month to the first and third Monday of each month.

Discussion:

2023 Planning Commission Regular Meeting Schedule with changes of meeting dates from the first and fourth Monday of each month to the first and third Monday of each month is included in the packet.

Assistant City Manager Benson commented the Planning Commission stated interest in evaluating a Planning Commission meeting schedule to include the first and third Mondays of the month to better spread out the meetings. There is no ordinance or chapter issues that would prevent the Planning Commission from changing the meeting schedule but the Planning Commission by-Laws are specific to dates and also state that all seven Commissioners must be in agreement. Commissioner Grossi is not present tonight.

If there is still a consensus among the Commission to approve the schedule of the first and third Mondays of the month, the Commission could approve that schedule to be implemented. The by-laws could be brought back on January 4th or whenever there are all seven members in attendance.

MOTION made and seconded by Commissioner Lawrence and Commissioner Lada to approve the 2023 Planning Commission meeting schedule with regular meetings to be held on the 1st and 3rd Monday of each month effective January 1, 2023.

VOTE:

MOTION CARRIED

All in favor.
Motion passes.

Call o the Public:

Mr. Spencer Schafer commented the multi-family product that they are proposing, the one story product, on average, it goes between 6 to 8 units an acre. So instead of it being 47 to 61 units, it is 81 units to 108 units. Their original plan submittal had 95 units which was a little over 6.5 units an acre. The draft low intensity ordinance that the

Planning Commission is considering tonight, the pink area, allow up to 10 units an acre, by right. The current VCA ordinance as is today allows up to 25 units an acre which would be 338 units. There is a lot of flexibility.

Public comments closed.

Staff Comments:

Assistant City Manager Benson thanked everyone who took the time to attend this meeting tonight, specifically, the DDA and the Economic Vitality Committee of the DDA; and also, all of the property owners and residents who took the time to attend this meeting.

Commission Comments:

Chair Day echoed Assistant City Manager Benson's comments. He indicated he always appreciates it when the public comes out and expresses their point of view.

Commissioner Tacy commented the November 15, 2022 City Council Minutes speak about the lack of windows on the Ford property complex. She indicated when the first phase was approved, they did not like the fact that it did not have enough glass to break up the large expanses of concrete. In March, 2021, they brought it back to the Commission and the plan contained more windows. Commissioner Tacy inquired why this did not get carried through to Phase Two. Assistant City Manager Benson commented he looked into this matter and he is trying to get a clear answer in terms of referencing the plan but at a minimum, he drove out there and took a look at the site. Currently, the windows are not installed and he did not know if they have done all of the cutouts for the windows. He indicated that he would provide an update to the City Council and the Planning Commission.

Chair Day suggested to consider an amendment to the PUD ordinance in terms of the percentage of glass needed.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 9:05 p.m.

Mona Freiburger
Recording Secretary

