

APPROVED

JANUARY 16, 2023

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 4, 2023**

This meeting was called to order by Chairman Day of the Planning Commission at 7:33 p.m. at which time allegiance was pledged to the American flag.

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

ABSENT: Excused: Sandro Grossi, Anthony Lawrence

OTHERS: Ben Carlisle (Carlisle Wortman Associates), Drew Benson, Assistant City Manager; 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 Tacy to approve the December 5, 2022, Planning Commission Meeting Minutes, as submitted.

VOTE:

MOTION CARRIED

Correspondence:

December 13, 2022, City Manager Update

December 20, 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. PLANNING COMMISSION ELECTION OF OFFICERS

Discussion:

The current Planning Commission chairperson is William Day, and the current Vice Chairperson is Phillip Carter. Per Article IV, Section 2 of the Planning Commission By-laws, "The officers of the Commission shall be elected each year for a one (1) year term by the majority vote of the entire membership of the Commission at its first regular meeting in January. Such candidates shall be declared elected and shall thereupon assume office". Given the Planning commission's historically used officers, and recent recommendation to remove the unused position of Alternate Vice Chairperson from the by-laws, it is recommended that the Commission hold an election for 2023 for the positions of Chairperson and Vice Chairperson.

Commissioner Cousineau nominated Chairman Day for continuation as chairperson of the Planning Commission. He also nominated Vice Chair Carter as Vice Chair, continuation of this position.

Chair Day accepted Commissioner Cousineau's nomination for chairman. Vice Chair Carter indicated he has a very busy year planned; he appreciated the nomination but did not accept the nomination.

MOTION made and seconded by Commissioner Cousineau and Vice Chair Carter to nominate Chairman Day for continuation as chairperson of the Planning Commission.

VOTE:

MOTION CARRIED

Commissioner Lada nominated Commissioner Tacy as vice chair. Commissioner Tacy accepted the nomination for vice chairperson of the Planning Commission.

MOTION made and seconded by Commissioner Lada and Chairman Day to approve the nomination of Commissioner Tacy as Vice Chairperson for the Planning Commission.

VOTE:

MOTION CARRIED

2. PLANNING COMMISSION ANNUAL REPORT

In compliance with 125, Section 3819 (2) By-laws; adoption; public record requirements; annual report by Planning commission, of the Michigan Planning Act 33 of 2008, the Planning Commission "shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendation regarding actions by the legislative body related to planning and development".

Assistant City Manager Benson indicated staff prepared this annual report for the Planning Commission's review, acceptance and submission to the City Council. The annual report provides a snapshot of the accomplishments and work performed by the Planning Commission over the past year. 2022 Planning Commission Annual Report is included in tonight's Commission packet dated January 4, 2023.

It is recommended by Carlisle Wortman Associates to accept the 2022 Planning Commission Annual Report for submission to the City Council.

MOTION made and seconded by Vice Chair Carter and Commissioner Lada for the Planning Commission to accept the 2022 Planning Commission Annual Report dated January 4, 2023 as submitted and to be submitted to Wixom City Council.

VOTE:

MOTION CARRIED

Old Business:

1. VCA ZONING MAP & TEXT AMENDMENTS / Consider making Zoning Map Amendments to rezone the Village Center Area (VCA) by dividing it into three subareas: VCA Core (VCA-C); VCA Transitional (VCA-TR); and VCA Low Intensity (VCA-LI); and 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:

The Planning Commission met on November 28, 2022 to hold a public hearing to discuss an amended draft of the Village Center Area zoning ordinance. Based on the direction from the Planning Commission, reviewed by the City Attorney, Carlisle Wortman Associates amended the most recent draft of the Village Center Area zoning ordinance.

Major amendments include:

- Allow "One-family attached dwellings or townhouse dwellings" as a Special Land Use in the Lower Intensity Subarea.
- Allow "Day care centers for children" and "Adult day care homes" as a Special Land Use in the Core Subarea.
- Added specific review standards for "One-family attached dwellings or townhouse dwellings" in the Low Intensity Subarea.
- Added "in the rear only" provision for exterior space for flex space housing.
- Amended VCA Zoning Sub-area map to change the rear portion of Courtyard Manor, ITC, and St. Matthews Church to "Transition Subarea".
- Attorney amendments, primarily, grammatical.

Recommended Action by Carlisle Wortman Associates:

1. That the Planning Commission reopen the public hearing and consider public commentary.
2. After deliberation, Carlisle Wortman recommended that the Planning Commission move the following:
 - a. To recommend approval to the Wixom City Council the Village Center Area District amendments, dated December 19, 2022, which amends Section 18.07 Village Center Area District of the Municipal Code of the City of Wixom and the City of Wixom Map.

Mr. Carlisle indicated the Planning Commission last met on this item on November 28, 2022. At that time, there was a public hearing, considerable amount of deliberation and discussion amongst the Planning Commission. Based on that discussion, Mr. Carlisle highlighted and made some amendments, accordingly, which are included in his report dated December 19, 2022.

Mr. Carlisle commented the Planning Commission spent the most time discussing the use table to add one family attached and townhome dwelling as a special use in the low intensity subarea. There was also consideration by the Planning Commission of guardrails as part of that use added as a special use. Based on the direction of the Planning Commission, under use standards, which would allow the Planning

Commission to review these on a case by case basis to ensure that they meet the standards. There are six use standards.

The first standard includes the harmonious of the proposal in consistency with the adjacent properties ensuring that there is not significant detrimental impact on the adjacent properties.

The second standard includes the appropriateness of transitional features between the proposed developed and adjacent properties.

The third standard includes similar size and architectural design considerations between the development and adjacent properties.

The fourth standard includes compatibility with the master plan and any other specific area plans that are in relation to this proposed development.

The fifth standard is that the development would not adversely impact public services facilities such as school impact, public safety impact, traffic impact, natural features impacts, storm water management impact, etc.

The sixth standard is that the development would not unreasonably impact the quality of the natural features and environment, the site and the surround area.

These six standards would give the Planning Commission some guidelines to consider for a proposal on a case by case basis. These standards would also give the Planning Commission latitude to make that determination on a case by case basis.

Other changes included: To allow day care centers for children and adult day care homes as a special land use in the core subarea. This change was based on the discussion with St. Matthews Church and some of their future plans.

The other substantial change which was amended include the VCA subarea zoning map to change the rear portion of the Courtyard Manor, ITC and St. Matthews Church to transition subarea. Those parcels have a slight split zoning but it is changed to transition subarea.

Mr. Carlisle commented they worked closely with the City attorney. The City attorney reviewed the language, and made some comments which were mostly grammatical. The changes are incorporated in the draft submitted to the Planning Commission.

MOTION made and seconded by Commissioner Tacy and Vice Chair Carter to reopen the public hearing.

VOTE:

MOTION CARRIED

Mr. Dale Schnepf, representing St. Matthews Church, School and Day Care, located on Pontiac Trail, Wixom, Michigan.

Mr. Schnepf commented he appreciated everything that was done for them; the Planning Commission seems to have their interest in mind.

One of the main concerns cited by Mr. Schnepf was the day care center requirement of 400 square feet of play area per child. The day care is regulated by the State licensing and regulatory agency for day care centers. The State has a requirement for a minimum of 75 square feet per play area per child. St. Matthews has 8,300 square feet and is licensed for 60 children. There is LARA licensing which has a requirement of 75 square feet per child. The St. Matthews Church director of child care sent a letter to the State to verify the requirement is 75 square feet per child. If the 400 square feet per child is implemented, they would have to have a 24,000 square foot play area which would be three times the size of the building. They felt it was not reasonable, in their opinion, and they are concerned.

Mr. Schnepf also brought up an issue/concern about development in the VCA area, which has to be within five feet of the front property line. St. Matthews' master plan is for an addition to the north of their building which would be away from Pontiac Trail. Their concern would be for future restrictions on their master plan site. Their building has been there for 22 years.

Mr. Carlisle appreciated Mr. Schnepf bringing this to their attention. It was his understanding that the provision of 400 square feet carries, not only for this district, but any day care center in the City of Wixom. The 400 square feet per child is extremely high; he had never seen it this high. Mr. Carlisle indicated he quickly referenced some of the other ordinances that they have written in comparison. The ordinances simply reference the State requirement which is 1,200 square feet minimum and LARA can require more based on additional children per the licensing.

Mr. Carlisle commented there were a couple of approaches for this issue. The first is: keep it as is and move forward to City Council. The second is: to amend this provision and reduce it and/or reference the State LARA requirements and simply use the State regulatory body. There would be a section of the ordinance that is inconsistent in regards to the amount of square footage for day care center. Mr. Carlisle recommended if this is the approach, at a later date, to amend the ordinance in the other sections to take out the 400 square feet, so there is consistency for uses throughout the City.

Chairman Day agreed that the provision of 400 square feet per child seems excessive and questioned how the other day care centers in the City are functioning.

Mr. Carlisle commented this is a valid point brought up by St. Matthew's Church regarding new build. Whenever you write a new ordinance dealing with existing sites, it is always the most difficult part. There needs to be balance and also enforce your new ordinance versus improvements of existing properties. You do not want to have the ordinance so burdensome that it doesn't incentivize people to update or upkeep their existing property. The intent of this district, if you build a new building, you put it close to the street to get that urban feel where it is close to the street and park behind. Mr. Carlisle indicated it is difficult for him to respond to the site plan being 20 years old in terms of how the new ordinance would affect it. Through the site plan process, the Planning Commission could work with St. Matthew's Church and understand it is an existing, nonconformity, so that they could be in compliance with the ordinance for those improvements.

Commissioner Lada commented the items on the site plan showed to the Planning Commission would be special land use requirements. Mr. Carlisle commented, for example, a day care is a special land use, the Planning Commission could address this as a special land use process as part of the site plan process, as well.

Assistant City Manager Benson indicated there is significant latitude for this issue. It is important to keep in mind that the particular site plan St. Matthew's Church presented is older but it is also not an approved site plan. The better question is, given the knowledge that such a proposal may come forward in the future, how the Planning Commission in their approving capabilities would want the plan to be laid out in terms of maintaining the requirement of the buildings to be moved towards the street as much as possible. There are also various ways to go about approving a site plan. St. Catherine's is an example of a campus style that ended up as a PUD. The better question is, is it meeting what the Planning Commission is intending and the physical vision?

Mr. Carlisle noted on page 32, which is Section 18.07.140, the Planning Commission through the site plan process can address specific issues through the site plan process. The Planning Commission would like to make sure that there are some strong standards to consider which is why there are the additional standards to grant as part of the deviation process.

Public hearing closed.

Chairman Day commented his inclination would be to change the requirement on the space for the day care to reference the State standards; then address any inconsistencies with other City ordinances in the future.

Commissioner Lada indicated it is his understanding, it is 1,200 square feet minimum and then 75 square feet per child that is actually outside at any given time. It is not total number of inhabitation of the day care during the day; it is how many are out in the actual play area.

MOTION made and seconded by Commissioner Lada and Commissioner Cousineau for the Planning Commission to recommend submittal of the VCA Zoning Map and Text Amendments to Wixom City Council for consideration.

VOTE:

MOTION CARRIED

Commissioner Lada indicated the Planning Commission has not seen any of the illustrations. Mr. Carlisle commented they haven't had time between November 28, 2022 and the holidays to get the illustrations completed. They would have those in place by the time this goes to City Council for their consideration. The illustrations will reference or be referencing the existing standards; they would not be different than the standards. The existing illustrations were inconsistent. Mr. Carlisle indicated if the Commission feels comfortable, the illustrations would be inserted by the time it goes to City Council. The Commission could approve this action; or postpone the action and bring it back with the illustrations included. Commissioner Lada asked for the Commission to get a copy prior to going to Council.

Chairman Day suggested making a motion tonight that the Planning Commission recommends this to go to City Council with the understanding that the Planning Commission would have at least a good number of the illustrations to view before it goes to City Council.

For clarification, Assistant City Manager Benson commented, procedurally, they would be included on the next agenda, as a correspondence item, the VCA ordinance with graphics. At that meeting, the Planning Commission would have the option to amend the agenda to pull this from correspondence, move it to Old Business and discuss further.

MOTION made and seconded by Vice Chair Carter and Commissioner Lada to recommend approval of the VCA District amendments, as further amended tonight including Section 18.07 dated December 19, 2022 to Wixom City Council.

VOTE:

MOTION CARRIED

Assistant City Manager Benson commented the map that has been shown only shows what is being done to the VCA. As correspondence, he will also provide the Planning Commission an updated version of the total zoning map of the City of Wixom with what

the Planning Commission has proposed, which would go to the City Council. Assistant City Manager Benson indicated he would make sure that the Commission would have a chance to view before it goes to City Council.

2. APPROVAL OF AMENDMENTS TO THE 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 and other changes as noted.

Discussion:

Any approval requires a full complement of the Planning Commission and unanimous vote. There are two Commissioners absent.

MOTION made and seconded by Commissioner Lada and Vice Chair Carter to table the approval of amendments to the Planning Commission by-laws to the next Planning Commission meeting.

VOTE:

MOTION CARRIED

Call to the Public:

No public comments.

Staff Comments:

No comments.

Commission Comments:

Chairman Day inquired if there is anything new on the windows for the Wixom Assembly Park Phase 2. Assistant City Manager Benson answered not anything substantial. It is his understanding that there was tape and paper over the windows which was removed on Building C. The City has been working through remediation options they may have. It appears Phase 2 has met the minimum ordinance standard. It is still a work in progress.

Commissioner Cousineau inquired about the need for 100% attendance to approve the by-laws, and if it was possible to allow Commissioners to vote, in writing or by proxy, if they could not attend the meeting. Assistant City Manager Benson commented he

would check with the City attorney but it was his inclination probably not; he did not think there were many things that public bodies are allowed to vote by proxy.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 8:15 p.m.

Mona Freiburger
Recording Secretary