

APPROVED
SEPTEMBER 6, 2023

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, AUGUST 7, 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), Cheryl Tacy (Vice Chairperson), Commissioners: Mark Helsom, Mark Lada, Anthony Lawrence

ABSENT: Excused: Ray Cousineau, Sandro Grossi

OTHERS: Laura Kreps (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 Commissioner Lawrence and Commissioner Lada to approve the July 17, 2023, Planning Commission Meeting Minutes, as submitted.

VOTE:

MOTION CARRIED

Correspondence:

None

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

No public comments.

Old Business:

None

New Business:

1. **SITE PLAN REVIEW/SPR22-015: 28037 S. WIXOM ROAD, WIXOM, MI. 48393.** The applicant is requesting site plan approval to renovate the existing Burger King structure; provide a second drive through lane; rehabilitation of the parking area/sidewalks/concrete ramps/curbs and gutters; and construction of a driveway north of Meijer Drive. The site is located at the southwest quadrant of Wixom Road/Meijer Drive intersection. The site is zoned FS, Freeway Service and currently contains an existing Burger King restaurant. The parcel number is 22-07-401-039.

Discussion:

The applicant is requesting site plan approval to renovate the existing Burger King structure; provide a second drive-through lane; rehabilitation of the parking area/sidewalks/concrete ramps/curbs and gutters; and construction of a driveway north to Meijer Drive. The site is located at the southwest quadrant of the Wixom Road/Meijer Drive intersection. The site is zoned F5, Freeway Service and currently contains an existing Burger King restaurant.

Carlisle Wortman Associates noted the proposed driveway location to Meijer Drive is not located on Burger King's property, but rather the neighboring property to the north. Easement documents have been provided demonstrating permission to construct a driveway from the existing restaurant parcel through the property to the north for access onto Meijer's Drive as previously requested.

Property location; Area, Width, Height, Setbacks; Natural Resources; Building Location and Site Arrangement; Essential Facilities and Services; Parking, Loading; Site Access and Circulation; Landscaping; Lighting; Signs; Floor Plan and Elevations are all addressed by Carlisle Wortman Associates site plan review dated December 19, 2022, revised July 13, 2023 and included in the packet to the Commissioners.

Recommendation by Carlisle Wortman Associates, Inc.:

The following items should be listed as conditions of site plan approval:

1. Planning Commission grant the requested landscape requirement waivers;

2. Signs will be reviewed and approved under separate sign permits.

OR

1. Landscape plan to be prepared and sealed by a registered landscape architect.
2. Provide additional greenbelt plantings as required.
3. Provide buffer zone plantings as required.
4. Provide additional parking lot screening.
5. Provide interior parking lot landscaping.
6. Signs will be reviewed and approved under separate sign permits.

Ms. Kreps commented in their review, it was noted that the existing building and parking areas encroached into the required setback. This is an existing structure. It is a legal, non-conforming situation. The impervious surface calculation is 78%. All other items have been addressed in Carlisle Wortman Associates review except for landscaping. The applicant is requesting a waiver for the landscaping requirements.

In Carlisle Wortman Associates review, they noted each requirement for greenbelt plantings, buffer zone plantings, additional parking lot screening, interior parking lot landscaping, etc.

Assistant City Manager Benson indicated they did note that the previous landscaping plan did not appear to be consistent with what is here which was done in 1999. Over the course of time, it changed to a certain degree. Updated pictures of the current landscaping from multiple sides of the building were provided.

Chairman Day commented the applicant proposed no changes to the landscape. Commissioner Tacy indicated the separate landscape plans were not enclosed in the packet. Ms. Kreps stated there was a landscape plan, but it was not signed by a landscape architect which is an ordinance requirement.

Ms. Kreps commented the first time Carlisle Wortman Associates reviewed the landscape items, and then the resubmittal did not have landscape because the applicant asked for the waiver.

Chairman Day inquired if there were any problems with the proposed lighting. He asked if the light band around the top of the building is prohibitive under ordinance. Ms. Kreps answered they did not have any issue, the applicant is not adding any new lighting, they are all existing pole mounted fixtures and no changes.

Commissioner Tacy stated on page A-2.1, there is a callout for a surface mounted LED light band in red on the proposed elevation. She asked if the light band fits in with the

building lighting under 18.14.040 Section M. Ms. Kreps stated if the light band is not allowed, it would have to be removed or the applicant would have to receive a variance. Chairman Day indicated lighting is prohibited as an architectural detail on all buildings including along the roofline, eaves and around windows. Ms. Kreps agreed the lighting would have to be removed.

Assistant City Manager Benson presented the first landscape plan to the Commissioners that was provided as part of Carlisle Wortman Associates review which included the deficiency in the greenbelt, etc. When the applicant resubmitted, they asked for a waiver for all the landscaping and to utilize what was there, currently. That is why there was not a landscape plan in the last submittal.

Chairman Day indicated it was his thought that the applicant should meet current standards and have a landscape plan submitted by a landscape architect. If the applicant feels it is impractical or not necessary to meet current standards, then they should tell the Commission why and ask for specific waivers and not the blanket waiver. Commissioner Tacy and Commissioner Lada indicated they would support Chairman Day's comment. Commissioner Lada stated he drove by the Burger King and there were some ornamental trees but there were no canopy trees at all.

Mr. John Pastor, Union Burgers LLC, 34018 Beacon, Livonia, MI. 48150, indicated there is an existing red band, and they are replacing and updating it. He stated the band is a key and one of the things that people know it is a Burger King. If the band was removed, he did not know if he could move forward with the remodel.

Chairman Day stated he did not know when these regulations against the lightning went into effect. Mr. Pastor stated he is the second owner; he obtained the business on January 31, 2020.

Mr. Pastor commented the store has been in dire need of an upgrade for many, many years. He stated it is a struggling business and they are hopeful that they can get this approval; the access road is a must.

Mr. Pastor explained the original site plan shows two entrances off Wixom Road; there is only one. It shows a shared driveway with McDonald's which they don't have. Originally, at the rear of the building, they were supposed to have an exit where now the Auto Zone sits. The curbs, etc., stopped where the approach was going to go. Chairman Day stated the new drive is an excellent idea from a safety perspective.

Mr. Pastor indicated they have been trying to obtain a landscape architect. The engineer drew up the plans and then indicated a landscape architect was needed to sign the plan. Mr. Pastor stated it has taken him close to a year to get things done because of the backup of work. Mr. Pastor questioned if they must do the landscaping,

why doesn't McDonald have to do this because they share the island going up the center. Chairman Day indicated he understands the applicant's issue with the soft property line and being next to McDonald's, but that's why he would like to see a landscape architect look at the property. If the applicant wants to ask for a waiver for the bushes along the south property line, it may look favorable given the nature of the adjoining business, again, instead of a blanket waiver from the landscape requirements.

Chairman Day stated he would like to see an effort made to meet the landscape requirements and an explanation as to why it is not practical or shouldn't be required. Mr. Pastor indicated he would not have an issue with this request, but it is difficult to get a landscape architect. Assistant City Manager Benson commented a landscape architect is an ordinance requirement. Chairman Day stated if it is an ordinance requirement, the Planning Commission does not have the ability to waive the ordinance.

Chairman Day inquired if Mr. Pastor could be given any assistance in finding a landscape architect. Ms. Kreps stated they could probably offer some names but can't recommend any specific landscape architect. Mr. Pastor indicated he had no issues with extra landscaping; the place is pretty well landscaped, but they are more than willing to work with the planner.

Ms. Kreps stated the ordinance says the landscape architect must sign the drawing; if the applicant could find a landscape architect that works or contracts with the engineer's firm, this is typical.

Commissioner Lawrence commented there is a nice plan and now the Commission is being asked to accept what's there, which admittedly looks very tired and old. There is a plan for a substantial upgrade to the store.

Assistant City Manager Benson suggested they could work the specific waivers the Commission may be willing to grant tonight and bring it to a conditional approval subject to submission of a landscape plan that meets ordinance standards minus portions they may be willing to waive. Commissioner Tacy commented, typically, if the Commission has conditions, there is a plan in front of them. Assistant City Manager Benson stated this would be an attempt to offer the applicant some flexibility while working towards getting the landscape plans, so the rest of the project could begin. The applicant would not be able to close out the permits until everything is complete.

Chairman Day indicated he drove by the Burger King and noticed the section along the south lot line was mowed, and open. He did not see the need for the row of bushes along the south lot. Chairman Day commented, he would only be prepared to consider a waiver at this point without a plan in front of the Commission and an explanation of whatever waivers might be sought. The applicant would still need a plan from the landscape architect per ordinance. The plan is deficient to the ordinance.

Ms. Kreps noted the other deficiencies in the plan such as the greenbelt, two canopy trees and three ornamental trees; parking lot screening; interior parking lot landscaping; etc. Chairman Day stated he would like to see an effort made of finding a place for the parking lot landscaping; if it is not practical or possible, he would like to know why. Commissioner Tacy commented a canopy tree would not block the view of the applicant's establishment. Assistant City Manager Benson noted based on the configuration, parking lot plantings in the parking lot isn't feasible. It is mainly a driveway and parking spaces. Chairman Day stated he would like to see a landscape architect look at the property.

Commissioner Lada commented having conditions today to move forward and then have a landscape architect look at it and say some plantings are not feasible may compound a problem later with construction.

Chairman Day stated he would rather do this in the right order with the understanding of the Commission to eliminate the bushes on the south property line; maybe have canopy trees in the median between Burger King and McDonald's than in the greenbelt. Commissioner Tacy commented this may cause a sight line issue, but it would help break up the impervious surfaces, but to have some trees in between would be very nice.

Chairman Day commented he felt bad about the situation, but he did not see any way that the Commission could move forward with this tonight other than to table this case. The band of lighting is not in regulation; it is unknown if that went in pre-regulation; if it did, would a revision of the lighting be considered grandfathered in, or would it be prohibited? Chairman Day stated he would like to know whether the lighting band was on the original plan.

Commissioner Lawrence inquired if the signage would be handled administratively. Assistant City Manager Benson answered, generally, yes; unless a waiver is requested, in which case it would come before the Planning Commission.

Mr. Pastor indicated the sign would be the same size; they are not asking for any more signage than what is currently there. The intent is not to ask for any more signage.

MOTION made and seconded by Commissioner Lada and Commissioner Lawrence to table **SITE PLAN REVIEW/SPR22-015: 28037 S. WIXOM ROAD, WIXOM, MI. 48393.** The applicant is requesting site plan approval to renovate the existing Burger King structure; provide a second drive through lane; rehabilitation of the parking area/sidewalks/concrete ramps/curbs and gutters; and construction of a driveway north of Meijer Drive. The site is located at the southwest quadrant of Wixom Road/Meijer Drive intersection. The site is zoned FS, Freeway Service and currently contains an

existing Burger King restaurant. The parcel number is 22-07-401-039; without date pending resolution of landscape and lighting issues.

VOTE:

MOTION CARRIED

Call to the Public:

No public comments.

Staff Comments:

Assistant City Manager Benson commented the temporary land use for the property behind Wixom Assembly Park should be ready to come back on August 21, 2023.

People Drive Technologies is preparing for a ground breaking. The Commission should receive an invitation to attend, which would be sent out directly from People Technologies.

The M-1 and IRO zoning text amendments should be before the Commission on August 21, 2023, as well. They have kept the property owners involved in the loop.

Assistant City Manager Benson commented the Renton property continues to move forward; City Council has a study session soon. They have decided to move forward quickly. Any developer who gets selected, the Commission would have an opportunity to see the project.

Chairman Day inquired about the possibility of having a rest stop with something at the trail head to identify businesses in Wixom. A QR code could be available to identify the local businesses, so there would not be a need to change signs all the time.

Commissioner Lada commented he had made a special point to look at public restrooms in downtown areas; there is no reason why the house on the property could not be converted to public restrooms. There are three public restrooms in downtown Traverse City, which are very clean. Commissioner Tacy commented the City has few of the original buildings and it would be nice to save something.

Commission Comments:

There was a discussion in reference to developers coming before the Commission and asking for their opinions, and thoughts then presenting a plan. Commissioner Tacy indicated she would like an attorney to give their opinion on how to proceed if the zoning was changed and no longer supported the use of the property. Assistant City Manager

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Benson stated he would be happy to get a formal opinion by an attorney on what the Commission should consider in terms of vested property rights.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 8:45 p.m.

Mona Freiburger
Recording Secretary