

**APPROVED**

**JULY 15, 2024**

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, JUNE 17, 2024**

This meeting was called to order by Chairman Day of the Planning Commission at 6:59 p.m. at which time allegiance was pledged to the American flag.

**PRESENT:** William Day (Chairman), Cheryl Tacy (Vice Chairperson), Commissioners: Ray Cousineau, Sandro Grossi, Mark Helsom, Mark Lada

**ABSENT:** None

**OTHERS:** Matteo Passalacqua (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 Cousineau and Commissioner Lada to approve the June 3, 2024 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. **PUBLIC HEARING FOR SPECIAL LAND USE: SLU 24-003: 49438 PONTIAC TRAIL, WIXOM, MI. 48393:** The applicant is seeking a special land use permit to operate an outdoor seating area for an existing restaurant business under Section 18.07.030 Schedule of Uses in the VCA District and Section 18.18 Special Land Uses. The property is zoned VCA-Core, and the parcel number is 17-31-478-007.

Discussion:

The applicant is requesting special land use approval for permanent outdoor seating for an existing restaurant located at 49438 Pontiac Trail in the Country Corners Retail Center. The site currently has an outdoor seating area located across seven (7) parking spaces located directly adjacent to the building's north elevation. The applicant also has outdoor seating along the southern elevation of the retail center along the Pontiac Trail Road Entrance. The proposed permanent outdoor seating area would be delineated from parking spaces and drive lanes using decorative barrels, planters and rope. The site is zoned VCA-C, Village Center Area- Core which allows for outdoor seating as special land use. Parcel ID: 17-31-478-007.

The business would operate from 3:00 PM – 10 PM Monday through Thursday; from 1:00 PM – 11:00 PM on Friday and Saturday, and 1:00 PM – 8:00 PM on Sunday. The applicant states no changes will be made to staffing levels but does not provide the current employee count. No specific parking information was provided in the application, however, the original temporary land use review conducted by C.I.B. in June of 2022 states the then proposed use would not put a strain on the available parking and continue to meet the ordinance requirements. We do not cite any current concerns with the parking.

Recommendation by Carlisle Wortman Associates:

Based upon the information provided by the applicant and the comments of this analysis, Carlisle Wortman Associates recommends approval of the special land use request for 49438 Pontiac Trail – Outdoor Seating – contingent upon the following conditions:

1. Current staff count should be provided;

2. Public Safety should be consulted to assess if current or proposed outdoor seating operations have created any unsafe conditions that require additional services;
3. The applicant should confirm their proposed design conforms to the MLCC service area barrier requirements;
4. The applicant should confirm necessary permits from the MLCC and OCHD have been obtained;
5. Insurance acceptable to the City should be provided.

These conditions may be administratively approved.

Mr. Passalacqua overviewed the Memo from Carlisle Wortman Associates to the Commission dated May 29, 2024 citing Project and site description; Land Use and Zoning; Natural Resources; Essential Facilities and Services; Special Land Use Standards; Special Use Standards; Variances; Site Plan Review; and Recommendations along with Carlisle Wortman Associates comments to each section is enclosed in the packet submitted to Planning Commission.

Mr. Passalacqua noted the applicant has worked with staff and the Planning Commission via a conceptual review meeting to bring forward their request for permanent seating in their design. The proposed space occupies approximately the same amount of space they have temporarily occupied which is approximately 1,000 square feet over seven parking spaces. Earlier review has indicated those seven spaces are not required for the site's compliance with the parking ordinance. The applicant has included a green, non-slip pavement to be delineated between the drive aisle and parking spaces. There is decorative fencing using bollards and design panels in between the bollards. No other site improvements were proposed.

In the review, Carlisle Wortman Associates reached out to the public safety department for concerns or issues. The business has been operating two years as such. The police department or the fire department did not have any major concerns regarding the applicant's proposal.

The applicant's proposal is conducive with the master plan; and it is conducive with the intent of the VCA. It is noted in the review that there were no violations held against the property as it relates to outdoor seating; the site is at least 700 feet away from any residential use, sometimes the outdoor noise can be a concern with these uses. As it relates to specific use standards, Carlisle Wortman Associates feel as though the applicant has met Part C which is restaurants shall be designed to minimize any impact from noise and odors by nearby residential uses per previous comment. The required

information from both the State and County is noted the required information has not been provided in the application, although it is an easy condition to add to an approval should the Planning Commission feel that way. It is noted the applicant should confirm the proposed design conforms to the MLCC Service Area variance requirements; and the applicant shall confirm necessary permits from the MLCC and Oakland County Health Department have been obtained; and insurance acceptable to the City will be provided.

Mr. Aaron Resnick, 49438 Pontiac Trail, Wixom, MI, stated he is the owner of Drafting Table Brewing Company. Mr. Resnick indicated he has gone over this project either temporarily or at the last Planning Commission meeting, conceptually. He asked if there were any questions of him.

Vice Chair Tacy indicated the write up states that the area would be delineated with decorative barrels, planters and rope but later in the write up, it indicates the purpose of the stanchions is to mount decorative fencing. Assistant City Manager Benson stated the applicant intends to keep the existing barrels on the inside of the fence.

Commissioner Cousineau inquired if there were any issues with respect to complying with Oakland County Health Department and the Michigan Liquor Control Commission. Mr. Resnick stated no, this has been permanently approved through MLCC back during COVID. They have had the temporary structure for four years now.

No public comments.

**MOTION** made and seconded by Commissioner Lada and Vice Chair Tacy to **SPECIAL LAND USE: SLU 24-003: 49438 PONTIAC TRAIL, WIXOM, MI. 48393:** The applicant is seeking a special land use permit to operate an outdoor seating area for an existing restaurant business under Section 18.07.030 Schedule of Uses in the VCA District and Section 18.18 Special Land Uses. The property is zoned VCA-Core, and the parcel number is 17-31-478-007; with the following conditions:

1. The applicant shall provide current staff count; and
2. Public Safety shall be consulted to assess if current or proposed outdoor seating operations have created any unsafe conditions that require additional services; and
3. The applicant shall confirm their proposed design conforms to the MLCC Service Area Barrier requirements; and
4. The applicant shall confirm necessary permits from the MLCC and OCHD have been obtained; and
5. That insurance acceptable to the City has been provided.

**VOTE:**

**MOTION CARRIED**

2. **PUBLIC HEARING FOR SPECIAL LAND USE: SLU 24-004: 29387 LORIE LANE, WIXOM, MI. 48393:** The applicant is seeking to amend a special land use permit for Outdoor Storage as an accessory use of an existing Automotive Repair business under Section 18.09.020 Schedule of Uses in the M-1 District and Section 18.18 Special Land Uses. The property is zoned M-1, Light Industrial and the parcel number is 22-08-226-003.

Discussion:

The applicant is requesting an amendment to their special land use permit to allow for the outdoor storage of vehicles for their existing automotive dealer/repair shop. The applicant applied for a special land use permit in April, 2023 to operate an automobile repair and automobile sales establishment in the M-1 district. During the public hearing, concerns were made by the public and Planning Commission regarding the limited parking on the site for employees and operations as well as the outdoor storage of vehicles being serviced and/or for sale. After deliberation, the Planning Commission granted the special land use permit for an automobile repair and automobile sales establishment with the following conditions:

1. All operations will be conducted indoors with zero cars storage outside overnight; and
2. No more than the allowed fourteen parking spaces will be utilized; and
3. Confirmation of any internal changes to the unit and the floor plan must be submitted and reviewed by city staff as required; and
4. Improvements and modifications as determined by the building and fire department; and
5. Review and approval of all other departments, consultants, and agencies.

Memo from Carlisle Wortman Associates to the Planning Commission dated June 12, 2024 is enclosed in the packet citing Project and Site Description; Master Plan; Natural Resources; Essential Facilities and Services; Special Land Use Standards; Variances; Site Plan Review; and Recommendation.

Mr. Passalacqua indicated this is a request to amend an existing special land use permit to allow for the outdoor storage of vehicles as well as an area for customer pickup and drop-off. The applicant, originally, came before the Planning Commission in April, 2023, for a special land use permit to allow for a minor auto repair use in the M1 district, which is a special land use in that district.

Mr. Passalacqua indicated after deliberations both by the Planning Commission and the public, the Planning Commission did approve the special land use but with five specific conditions: that all operations will be conducted indoors with zero cars stored outside

overnight and no more than the allowed fourteen parking spaces be utilized; confirmation of any internal changes to the unit and floor plan must be submitted and reviewed by City staff, as required; improvements and modifications as determined by the Fire Department and Building Department; and the review and approval of all other department consultants and agencies. The amendment the applicant is requesting is pertaining to the first condition which states all operations be conducted indoors with zero cars stored outside and overnight.

In the application, the applicant put forward that there wasn't any information as it relates to the condition of the vehicles that would be stored or any kind of timeframe in which the vehicles would be stored. The terminology used was "temporary", which is understood there is a certain flexible nature required on what the cars may need at the time, but, again, no specific parameters were offered in the application. The business operates from 9 a.m. to 6 p.m., Monday through Friday, with peak hours being between 9 a.m. to 11 a.m. and 4 p.m. to 6 p.m.; no weekend hours were offered. There was a code enforcement ticket opened against the site in December, 2023. The ticket is still open to this point. The ticket releases to the storage of vehicles outside. The applicant provided a basic layout of the areas in which they plan to utilize in certain spaces, if approved for the amendment. An email sent by the applicant was received on June 10<sup>th</sup> which provided more information as it relates to the vehicles being parked, where and how many; five spaces were put forward as employee parking; short term storage was no more than six spaces; and night drop off and pickup areas were four spaces. Parking calculations were not included in the application but using the minor automotive repair criteria, it was attempted by Carlisle Wortman to do an ad-hoc parking calculation for the site which was provided in a review by using information from the applicant related to how many service bays they contain and how many spaces were onsite. It is noted that the applicant is approximately two spaces short on the consideration for parking.

There are items that Carlisle Wortman Associates stated needs to be addressed: The application shall clarify the intent of the short-term storage area and pick up/drop off spaces as well as the maximum duration of time a vehicle could be in those spaces, but also offer information regarding the condition of the vehicles proposed for the short-term storage. The conditions of the vehicles being worked on vary based on uses and more information would have aided the review in making a recommendation at the end of the report.

In reviewing the special land use standards, Carlisle Wortman Associates does find the use is compatible with the master plan. It is compatible with the intent of the M1 district; automotive uses of these types are permitted in those areas via the special land use process. There have been recent complaints regarding outdoor storage of vehicles. It is noted the outdoor storage of vehicles has the potential to create nuisances in the form of traffic and/or parking of vehicles strictly on the site which has limited parking and drive aisle space. This has the potential to impact neighboring properties due to limited parking on site, in general.

Recommendation by Carlisle Wortman Associates:

Based upon the information provided by the applicant, the recorded violation and the prior conditional approval that all operations will be conducted indoors with zero cars stored outside overnight, we recommend denial of the request to amend the existing special land use permit to allow storage of vehicles outside overnight. Recommendation is also based on a lack of conformance with the City's special land use and parking standards as outlined above. Specifically, we do not find that the application meets special land use standards C, D, and E.

Chairman Day inquired about the nature of the open ticket/violation. Mr. Passalacqua indicated the open ticket relates to the various amounts of vehicles being stored outside for extended periods of time. Assistant City Manager Benson stated an additional part of that was an issue which has been remedied since then, but originally, some concerns about too many cars and not enough spaces, as well as some storage of materials close to the loading dock on the rear side. Many of those pieces have been cleaned up but the original code enforcement complaints were outdoor storage of vehicles.

Mr. Colby Hubbard, 29387 Lorie Lane, applicant, stated he was here to address some of the concerns and the letter from the Planning Commission. Mr. Hubbard gave some background information in that they have operated in the City for four years complaint free. They intend to comply but sometimes things are out of their control with the nature of the business. At the previous meeting, they were seeking approval for the special land use permit, and they were blindsided by the complaints that there were parking issues. They were unaware that they were infringing on anybody, and they have done their best to mitigate the complaints by keeping everything clear in case other trucks need to come into neighboring businesses. The applicant stated they intend to operate in good faith and keep vehicles in spaces. Mr. Hubbard noted they have had 1200 vehicles come through the shop in the one year they have been at this facility; there has been one complaint. The applicant has changed their practices to comply with the rules. Sometimes vehicles are dropped off without their knowledge. The applicant is a European centric business which specializes in BMW, Audi, Mercedes, Porsche, etc. Those components must come from overseas which leads to extended lead times on the repairs. The vehicles left outside are repair vehicles, they would be licensed, registered vehicles in good looking order. They are not looking to store crash vehicles or store dismantled vehicles. Mr. Hubbard stated there are at least eight businesses within 1000 feet of them that are also in violation of the storage rules, which have been given special use permits. The applicant asked for the same consideration. Mr. Hubbard stated they have a shared driveway and to the best of their knowledge in conversations with that tenant, they have not impacted their business. Since then, a new tenant has moved in, and the applicant has a cordial working relationship and have not caused any issues, to the best of their knowledge.

Chairman Day inquired to the applicant their definition of temporary. Mr. Hubbard answered they would be asking to allow five business days for outdoor storage, which would give them enough lead time to source the needed, proper parts. Any car that has been there longer than five days, the applicant would store inside or move offsite. The applicant has a relationship with a local tow yard to move vehicles offsite.

Commissioner Cousineau inquired to the applicant regarding the specifics of the current violation. Mr. Hubbard indicated there have been some vehicles outside, some of them may have appeared to be in the same spot for longer than they have been because they are moved and parked in the same spot. He was not given a specific example of what vehicles were left where, when and for how long.

Mr. Hubbard stated most of the vehicles have a part within five days; if it is a major engine component, it can take a bit longer than five days. If the part takes longer than five days, they will keep the vehicle inside or move them offsite.

Commissioner Lada inquired how many vehicles on average are left outside at any given time since May until now; and if he were to drive by how many vehicles would be in the lot? Mr. Hubbard answered two, but he wouldn't say that's all the time. They try to bring in everything at the end of the day. They have moved tens of vehicles to an offsite location due to time. Mr. Hubbard stated they have an open area in the building where they store vehicles; they can pull 24 vehicles in the open area.

Public hearing opened.

Ms. Kathleen Conrad, 5235 Old Hill Trail, Commerce Township, MI, stated they own the building directly next door to the applicant, and share a parking lot. She disagreed with quite a few of the things that the applicant responded to the Commission. Ms. Conrad presented photos to the Commission. The pictures were taken sporadically through this morning. Ms. Conrad indicated they park eight cars on the side of the building where there are six parking spaces. The applicant has anywhere from three to six vehicles in the truck well, which is not a parking space; the applicant double parks in the front. This isn't every day but very regularly. Ms. Conrad stated she does not have a problem with the applicant, she has a problem with the cars and what it does to the neighborhood. Ms. Conrad stated sometimes the vehicles have a tire thrown on the trunk; a bumper thrown on the hood. She stated the applicant has not complied from day one of their special land use that was granted. The other tenants in the complex have all complied with the zoning for their park, and she is asking that the applicant complies, as well.

Mr. Ira Peterson, 47904 Anna Court, Wixom, MI, business address, indicated he has been there for 15 years. Mr. Peterson stated he had four issues: One, temporary, DTE was granted a temporary use to run power diagonally across his power for construction on September 13, 1953, which is still there. There is nothing more permanent than



temporary. Two, the types of vehicles the applicant works on invites crime into their neighborhood; his building has been broken into four times. Mr. Peterson asked how the City was going to police the area and enforce temporary. There has been a citation that the applicant hasn't taken care of yet. Mr. Peterson stated, as a building owner and resident of Wixom, the Planning Commission should consider carefully how they are planning on doing this.

Commissioner Cousineau stated in looking at the photos, it appears storage and parking is an issue. Chairman Day agreed.

Mr. Hubbard stated they were notified in December that they were out of compliance. He indicated there were many photos taken before this time. Chairman Day indicated the applicant was notified of the special land use conditions in April, 2023. Mr. Hubbard indicated he thought the conditions only applied to overnight; they were not aware that it was during the day, as well. At the end of the day, the applicant tries to make sure everything is left in an assigned space; it is only left outside when they are out of room.

Chairman Day inquired how does the parking of cars not in parking places affect police and fire response. Assistant City Manager Benson stated it could be access issues, if there are cars parked in more spaces than allowed. The applicant indicated they keep the driveway clear and do not block the fire hydrant parked outside.

Mr. Passalacqua offered some guidance, the original review went under minor auto repair which didn't have any specific use standards. Major automotive repair, which the applicant was not reviewed under, does offer some guidance on this issue. Mr. Passalacqua stated he was not saying this is what should be applied here, but he thought it was worth to hear in the Commission's contemplations. Major automotive repair states specific standards shall not be allowed to be stored outside of the building for more than 48 hours unless awaiting repair for which a work order signed by the owner of the vehicle is posted and visible from outside of the vehicle. The area to be used for vehicle storage shall be shown on the site plan.

Vice Chair Tacy stated she was still bothered by the fact that the Commission set the two conditions that stated zero cars outside overnight and more specifically, no more than the allowed 14 parking spaces would be utilized, and yet, the photos show otherwise. The stipulations are, specifically, stated. If the applicant cannot comply with the stipulations now, how can the Commission move forward assuming it is going to change? Chairman Day echoed Vice Chair Tacy's remarks. Chairman Day recalled when this was granted that the applicant assured the Commission that they had a towing service that would allow them to avoid ever having cars parked outside overnight. The lack of compliance with conditions that the applicant knew about when the Commission granted this over a year ago makes him question how the Commission can expect them to comply now.

Commissioner Grossi commented the business has grown; he has more customers and more drop-offs. The company used to be located on Martin Drive; things change. Commissioner Grossi stated the Commission should do something to advocate for a business to stay in the City and try to come up with a solution to help them. The business can choose to go somewhere else. The applicant has done a good job with fixing the building with painting and installing lights. The previous tenant had an old school bus in front for a few years. The applicant is doing a decent job. Commissioner Grossi stated it is nice to see activity and not emptiness around. Mr. Hubbard stated they are growing and would like to stay in Wixom, if possible.

Mr. Passalacqua commented that the planning commission seemed conflicted between allowing the applicant to modify their special land use, but also not wanting to limit a successful business's operations within the city. Mr. Passalacqua cited that while it would be a heavy penalty to enforce. There were mechanisms within the zoning ordinance that would allow the planning commission to revoke a special land use permit, if further violations occurred after allowing a modification to the special land use conditions.

Chairman Day stated perhaps allowing for the five business days of outdoor storage under the major automotive repair with the signed work order and a stipulation that no car be parked unattended, and to be parked in a marked parking space during the day or overnight.

Mr. Mike Murray, 47840 Anna Court, stated he has been in the complex for 35 years. It is a beautiful complex, and they try to keep it that way. He stated he is in the complex every morning at 5 a.m., and there are four to eight cars parked outside every day at the applicant's building. Mr. Murray stated he would send pictures every day, if needed, to the Commission. There are 30 vehicles parked inside the building. Is there proper ventilation? If not, it is a fire hazard. Mr. Murray indicated he wants people to abide by the rules that were set to the complex when it was built. Mr. Murray also indicated if the business is growing that strong and continues to grow, he did not see a solution. Commissioner Cousineau stated the solution is offsite storage. The applicant does not have the area onsite to accommodate their business. Commissioner Cousineau stated he would like to be able to find a way to accommodate the applicant's needs and have a successful business in Wixom, but at the same time, the Commission cannot relax those requirements for him and disrespect the long-term tenants.

Public hearing closed.

**MOTION** made and seconded by Commissioner Lada and Vice Chair to deny **SPECIAL LAND USE: SLU 24-004: 29387 LORIE LANE, WIXOM, MI. 48393:** The applicant is seeking a special land use permit for Outdoor Storage as an accessory use of an existing Automotive Repair business under Section 18.09.020 Schedule of Uses in the M-1 District and Section 18.18 Special Land Uses. The property is zoned M-1, Light Industrial and the parcel number is 22-08-226-003; due to the lack of conforming with the special land use as, initially, written; and the applicant's failure to comply with the standards that are

outlined in the zoning ordinance Section 18.09.020, specifically, Section C, D, and E, as set forth.

Support: Day, Tacy, Cousineau, Lada  
Nay: Grossi

**VOTE:**

**MOTION CARRIED**

Mr. Hubbard asked for guidance and clarity on how to do overnight drop-offs that he was not aware of. Chairman Day stated he did not think that was an issue, the issue is the storage; the applicant would have to find and use secure, offsite storage. The Commission outlined the conditions terms in the original special land use approval. Chairman Day stated a drop-off is not storage. A drop-off is before the applicant has had a chance to see it and touch it, in Chairman Day's opinion.

Mr. Passalacqua offered, if it is realistic, for the applicant to provide site signage delineating the spaces in which vehicles are to be dropped off and/or picked up; if a vehicle is in that space for a certain period, it may trigger a call to the City. The applicant stated in 50/50 of the cases, cars are dropped off without calling first. There is no way to instruct them to go to a drop-off. Commissioner Lada suggested for the applicant to post a sign with the business' phone number.

**Call to the Public:**

No public comments.

**Staff Comments:**

Assistant City Manager Benson commented there are a couple of open seats on the Commission. There have been a few folks that have expressed some interest to these positions. The Mayor will be ready to make nominations for those seats sooner than later.

Assistant City Manager Benson stated there has not been a Commission meeting held for the first meeting in July due to vacations, etc. There are not any pending applications that would require a meeting to be held on July 1<sup>st</sup>. It is anticipated that the July 1<sup>st</sup> meeting will be cancelled. There are some outstanding ordinance discussion items and some text to consider for amendments, which is proposed to be discussed at the July 15, 2024 meeting.

**Commission Comments:**

Commissioner Lada commented Maple Road, west of Wixom Road, has become the new truck lane for gravel trucks. Assistant City Manager Benson stated he was somewhat familiar with this, and he has heard there has been a dramatic increase in the number of tickets issued by the police department.

Vice Chair Tacy commented, in talking about gravel haulers, Beck and West Roads from 4:15 to 5:15, the gravel haulers create gridlock because they will start their turn and keep running until they get through, which causes a problem for anybody else trying to get through that intersection; also, if you leave the business complex where Lena's Kitchen is located, unfortunately, trucks will get in the left lane near West Road and drive it as if it is a drive lane. She indicated it is a traffic accident in the making and suggested to possibly step-up patrol in that area.

Mr. Passalacqua commented in preparation for the Renewable Energy conversation on July 15<sup>th</sup>, he would ask the Commission to consider where in the community these things go. Some communities have opted to place these in industrial district. Wixom is in a unique position that they have a lot more than the other communities they work with for M1 and M2 designation. Near ITC lines has shown to be a popular area because of the site's ability to tap into the grid. They are also finding that communities are opting to do overlays.

Vice Chair Tacy reminded everyone about the Amazing Race to be set forth on July 27<sup>th</sup>; a lot of fun and good prizes.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 8:25 p.m.

Mona Freiburger  
Recording Secretary