

APPROVED
OCTOBER 7, 2024

CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, SEPTEMBER 16, 2024

This meeting was called to order by Chairman Day of the Planning Commission at 7:00 p.m. at which time allegiance was pledged to the American flag.

PRESENT: William Day (Chairman), Cheryl Tacy (Vice Chairperson), Commissioners: Todd Buck; M. Dornan; Vanessa Willett

ABSENT: Excused: Grossi; Lada

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 Dornan and Vice Chair Tacy to approve the August 19, 2024, Planning Commission Meeting Minutes, as submitted.

VOTE:

MOTION CARRIED

Correspondence:

City Manager Report – September 10, 2024

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 EXTENSION REQUEST SPR22-009: 49176 ALPHA DRIVE, WIXOM, MI. 48393.** The applicant is requesting a one-year site plan extension for a 18,144 square foot structure having two tenant spaces that received site plan approval on September 6, 2023. The site is located at southeast quadrant of Alpha Drive and Alpha Court, north of I-96 and east of Wixom Road. The site is zoned IRO, Industrial Research Office and is currently vacant. The parcel number is 96-22-08-326-026.

The applicant is requesting a one-year site plan extension for a 18,144 square foot structure having two tenant spaces. The site is located at southeast quadrant of Alpha Drive and Alpha Court, north of I-96 and east of Wixom Road. The site is zoned IRO, Industrial Research Office and is current vacant. The parcel number is 96-22-08-326-026.

The site plan was reviewed and received site plan approval from the Planning Commission on September 6, 2023 with a series of conditions. It is our understanding that the applicant has been working on the subject conditions since approval last year but will not be ready for construction before the site plan expires.

Section 18.17.080.B allows an applicant to ask for an extension of a site plan upon written application. The applicant provided the City notice of the requested extension on August 22, 2024 thus meeting the one (1) year expiration date requirement. The Planning Commission may allow an extension of up to one (1) year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period.

Recommendation: Carlisle Wortman Associates recommends approval of the site plan extension request for a period of one (1) year.

Ms. Beth Powers, 49677 Grand River, Wixom, MI, indicated they expect to break ground early next year as soon as the frost allows it. There was a delay by a couple of items that were required, and changes were made in the site plan because of a conditional approval. The delays were longer than expected but the applicant does plan to move forward.

MOTION made and seconded by Commissioner Willett and Vice Chair Tacy to approve **SITE PLAN EXTENSION REQUEST SPR22-009: 49176 ALPHA DRIVE, WIXOM, MI.**

48393. The applicant is requesting a one-year site plan extension for a 18,144 square foot structure having two tenant spaces that received site plan approval on September 6, 2023. The site is located at southeast quadrant of Alpha Drive and Alpha Court, north of I-96 and east of Wixom Road. The site is zoned IRO, Industrial Research Office and is currently vacant. The parcel number is 96-22-08-326-026; for a period of one (1) year.

VOTE:

MOTION CARRIED

2. **SITE PLAN EXTENSION REQUEST SPR22-007: 29180 S. WIXOM ROAD, WIXOM, MI. 48393.** The applicant is requesting a one-year site plan extension for a 16,199 square foot multi-tenant retail center with drive-through restaurant that received site plan approval on October 16, 2023. The site contains 3.6 acres and is located on the east side of S. Wixom Road, north of Osman Drive. The development is part of a two (2) parcel development with a separate parcel north of Osman Drive. The parcel number is 96-22-08-100-062.

The applicant is requesting site plan approval to construct a 18,144 square foot, structure having three tenant spaces (Signarama – 6,408 SF and two (2) future tenant spaces, 6,018SF each) located at SE quadrant of Alpha Drive and Alpha Court – 49176 Alpha Court. The site is located north of I-96 east of Wixom Road. The site is zoned IRO, Industrial Research Office and is currently vacant.

Recommendation: Based on the information provided, Carlisle Wortman Associates recommends approval of the subject site plan. The recommendation is made with the following conditions:

1. Provide aerial photograph of property with site plan overlaid;
2. Final approval of the City Engineer, and Utilities Director;
3. Requirement to subject reviewed water main layout plans that meets all required looping and hydrant requirements per the Fire Chief's letter dated August 30, 2023;
4. Update parking calculation to reflect the current floor plan;
5. Landscape waiver (greenbelt and parking lot);
6. Rooftop mechanical equipment will have to be screened in accordance with Section 18.14.060;
7. Increase the overall window area 122 square feet to meet the required 20% window openings requirement; and
8. Consider a waiver to allow the glass overhead doors that face Alpha Drive.

Mrs. Mireille Janjanian introduced her husband, Mr. Setrak Janjanian, to the Commission. Mrs. Janjanian stated they are requesting a site plan extension for both 29180 and 29290 Wixom Road, Wixom, MI properties. She stated, unfortunately, due to high interest rates, they were in a tough position and had to put their project on a temporary hold. They are still very serious and determined to get this project started in the near future. Mrs. Janjanian indicated they were inclined to believe that in the next year, interest rates would settle and fall into their comfort zone to allow them to get the project restarted. She stated this is a big investment and a dream project, and they could not afford to make any wrong or hasty decisions that could lead to a financial disaster. Mrs. Janjanian indicated they appreciated the Commission's consideration to help their dream project come to a reality.

Chairman Day inquired if they had spoken with any businesses that might be interested in leasing spaces in this property. Mr. Janjanian stated yes, a company inquired about doing a special concept gas station but were denied.

Commissioner Willett asked if anything has changed in the site plan packet; she really liked it. Mr. Janjanian stated they started this plan, it was perfect then COVID came, and interest rates doubled. The applicants stated they do not want to give up on the properties.

MOTION made and seconded by Commissioner Willett and Vice Chair Tacy to approve **SITE PLAN EXTENSION REQUEST SPR22-007: 29180 S. WIXOM ROAD, WIXOM, MI. 48393**. The applicant is requesting a one-year site plan extension for a 16,199 square foot multi-tenant retail center with drive-through restaurant that received site plan approval on October 16, 2023. The site contains 3.6 acres and is located on the east side of S. Wixom Road, south of Osman Drive. The development is part of a two (2) parcel development with a separate parcel north of Osman Drive. The parcel number is 96-22-08-100-062; for a period of one (1) year; with the following conditions:

1. Provide aerial photograph of property with site plan overlaid;
2. Final approval of the City Engineer, and Utilities Director;
3. Requirement to subject reviewed water main layout plans that meets all required looping and hydrant requirements per the Fire Chief's letter dated August 30, 2023;
4. Update parking calculation to reflect the current floor plan;
5. Landscape waiver (greenbelt and parking lot);
6. Rooftop mechanical equipment will have to be screened in accordance with Section 18.14.060;
7. Increase the overall window area 122 square feet to meet the required 20% window openings requirement; and
8. Consider a waiver to allow the glass overhead doors that face Alpha Drive.

VOTE:

MOTION CARRIED

3. **SITE PLAN EXTENSION REQUEST SPR22-008: 29290 S. WIXOM ROAD, WIXOM, MI. 48393.** The applicant is requesting a one-year site plan extension for a 16,199 square foot multi-tenant retail center with drive-through restaurant that received site plan approval on October 16, 2023. The site contains 3.6 acres and is located on the east side of S. Wixom Road, north of Osman Drive. The development is part of a two (2) parcel development with a separate parcel south of Osman Drive. The parcel number is 96-22-08-100-061.

The applicant is requesting a one-year site plan extension for a 16,199 square foot multi-tenant retail center with drive-through restaurant. The site contains 3.6 acres and is located on the east side of S. Wixom Road, north of Osman Drive. The development is part of a two (2) parcel development with a separate parcel north of Osman Drive. The parcel number is 96-22-08-100-062.

The site plan was reviewed and received site plan approval from the Planning Commission on October 16, 2023 with a series of conditions. It is our understanding that the applicant has been working on the subject conditions since approval last year but will not be ready for construction before the site plan expires.

Section 18.17.080.B allows an applicant to ask for an extension of a site plan upon written application. The applicant provided the City notice of the requested extension on September 11, 2024 thus meeting the one (1) year expiration date requirement. The Planning Commission may allow an extension of up to one (1) year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period.

Recommendation: Carlisle Wortman Associates recommends approval of the site plan extension request for a period of one (1) year.

The same circumstances apply as #2 above. No further discussion.

MOTION made and seconded by Commissioner Willett and Vice Chair Tacy to approve **SITE PLAN EXTENSION REQUEST SPR22-008: 29290 S. WIXOM ROAD, WIXOM, MI. 48393.** The applicant is requesting a one-year site plan extension for a 16,199 square foot multi-tenant retail center with drive-through restaurant that received site plan approval on October 16, 2023. The site contains 3.6 acres and is located on the east side of S. Wixom Road, north of Osman Drive. The development is part of a two (2) parcel development with a separate parcel south of Osman Drive. The parcel number is 96-22-08-100-061; for a period of one year.

VOTE:

MOTION CARRIED

1. Discussion – Community Renewable Energy Ordinance (CREO)

With the help of the City and Planning Commission, Carlisle Wortman Associates has been working on the following renewable energy (wind, solar, and battery storage) ordinances:

- 18.26.020 Schedule A: Compatible Renewable Energy Ordinance (CREO) for principal facilities that meet or exceed Public Act 233 power generation thresholds.
- 18.26.020 Schedule B: Local Renewable Energy Ordinance for principal facilities that do not meet statutory power generation thresholds.
- 18.13.070 &080: Solar and Window accessory uses.

Provided in the packet are the latest drafts of the renewable energy ordinances. Carlisle Wortman Associates asks the Planning Commission to review these drafts as well as the information presented in the memo dated September 9, 2024.

Discussion:

Mr. Passalacqua indicated Carlisle Wortman Associates drafted some ordinance language as it related to Public Act 233, which becomes effective November 29, 2024. It states that municipalities throughout the State need to have a compatible renewable energy ordinance.

Mr. Passalacqua received feedback from the Commission related to clarifying accessory use language for solar and wind. Based upon the meeting, Carlisle Wortman Associates made some tweaks to the ordinance and drafted the language. There are two other items which should be discussed. Mr. Passalacqua stated Carlisle Wortman Associates is happy to guide the Commission the way that they feel is appropriate, but he wanted to put it back in front of the Commission.

Mr. Passalacqua stated there is a growing sentiment from some communities say it is the State's law, there is a lot of gray area, so make it the State's problem; do not adopt a CREO. You are not in violation if you don't have a CREO, but if a developer comes to you with that project, you must tell them that the City does not have a CREO, go to the State. Then the developer goes to the State, gets their review, and the State deals with it. Some communities do not have the internal resources to properly review these systems; they are large, they are complicated, and it may be a capacity issue. The law also states that local municipalities have 120 days to approve. That is not 120 days to review and decide; it is approve or deny. Mr. Passalacqua stated in some communities, this has been a relatively controversial topic. Most communities are saying the State is

telling them what to do, the City does not want to field the controversy. It is the State's law, let the State deal with it. Mr. Passalacqua stated we are checking that box right now, but he wanted to put it in front of the Commission, so there are not any sentiments on why to bother with a CREO. Mr. Passalacqua indicated they are comfortable with the way it is structured; we still want to have an eye on what they are proposing, and things of that nature.

Mr. Passalacqua indicated they have structured both the CREO in the smaller systems that are not CREO sized but are still big in an overlay district. The overlay district is a gray area with the law; the law is silent on zoning. Mr. Passalacqua stated he did not think it is the responsibility of the community especially one as built out as Wixom to come up with 600 acres, but Carlisle Wortman Associates had put together a very fair offering, and fair locations. The sites are not going to be CREO size, necessarily or they are going to have to get a site design to meet those standards; but having an overlay to be safe as opposed to them coming back and saying you could do it, and we didn't, so now there is a race through the process of finding where these things can go as opposed to taking the time to think about it.

Mr. Passalacqua stated if the Commission passes the CREO with the overlay; then on November 30th, the State decides to answer some questions and say no, you are not allowed to zone for it, the CWA can get the overlay out in six weeks. We can get through the review system in 120 days. The State gets a year; we are looking at that as an incentive to the developer to work with the municipality because the developer does not want to wait for a year to get told possibility from the State; they want their answer in 120 days.

Mr. Passalacqua stated it is not his intent to confuse the Commission, but more information is becoming available, and even more information between now and November 30, 2024. Mr. Passalacqua stated they are comfortable with the language in front of the Commission.

Chairman Day inquired that the City has 120 days to either approve or deny; if the city denied, can the developer then go to the State. Mr. Passalacqua stated yes; the developer says they were denied unfairly because the CREO says they can do this. If the developer is denied for a criterion outside of the CREO, it would be a gray area. If it is outside of the CREO, the law doesn't speak to it, we are at the behest of the MPSC at that point. As of right now, the way the law is structured, it would go to the MPSC. If MPSC denies it, then they go to court. Mr. Passalacqua stated the City of Wixom is not receiving phone calls for these projects. Commissioner Dornan indicated it is because of the cost of the land; the land is too expensive in the City. The developers are going for rural areas. Commissioner Dornan stated the approach of not drafting a CREO and giving it to the State is a practice he did not like.

Chairman Day stated he would be on the side of having the CREO; the recommendation of Carlisle Wortman Associates. Vice Chair Tacy stated that she agreed with Chairman Day.

Mr. Passalacqua stated Schedule B is the ordinance that speaks to the sites that are maybe 90 or 100 acres. These are still very large systems, but they don't meet the State's thresholds to qualify under their rules. Schedule B is the outline of the things that we are opting to control internally.

Assistant City Manager Benson reiterated that there are two separate ordinance sections: the renewable energy facility piece would be adding a new Chapter 18.26 and then also for the accessory uses, it would be an amendment to 18.13, Industrial District. 18.13 is accessory uses which outlines where solar accessory and wind accessory are permitted.

Vice Chair Tacy had a question regarding 18.13.070, Solar Panels; which solar panels may be permitted in the front yard. She indicated the example used was a parking lot in front of Menard's or Meijer. Vice Chair Tacy stated there is a height restriction where it cannot be too high, but she asked if there is a minimum clearance height, in terms of parking garages where they are encouraged to park underneath. Assistant City Manager Benson stated if parking spaces would be taken out, this would be caught in the parking calculations. There would be some checks and balances. Commissioner Dornan stated he would be in agreement with Vice Chair Tacy.

Commissioner Willett asked if a motion was needed tonight for this discussion. Assistant City Manager Benson indicated we do not need a motion tonight.

Assistant City Manager Benson stated a formal map would be made. If the Commission is feeling positive about this, a public hearing would be scheduled.

Call to the Public:

No public comments.

Staff Comments:

Assistant City Manager Benson indicated the conditional rezoning for 31201 Old Wixom Road was approved by City Council. There is a conditional rezoning agreement in place and their next step would be to draft site condominium plans for the preliminary review. Same thing applies for the site condominium, the Pulte project on Maple Road, which also received preliminary approval from City Council. The Commission will see these again during the Fall.

Petitions have been received for a charter amendment regarding the cannabis lawsuit. The charter amendment would have, basically, superseded local zoning, but that's, ultimately, why it was appealed by the City. Wixom and the other communities who had the same language didn't agree with the level of control that it would have placed in the charter outside of the zoning ordinance or normal places where such regulations would be; ultimately, the Circuit Court and the Court of Appeals agreed with the City's arguments, so this will not be on the ballot this November.

Assistant City Manager Benson indicated the Downtown Block Party is this weekend, if anyone is interested. A section of Pontiac Trail will be shut down. The Block Party should be fun.

Chairman Day indicated he would not be in town this weekend, nor would he be in attendance for the first meeting to be held on October 7, 2024.

Commission Comments:

Commissioner Willett stated the DDA is not meeting on September 18, 2024 which should be updated on the City Manager's report.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 7:45 p.m.

Mona Freiburger
Recording Secretary