CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, FEBRUARY 1, 2016

Approved
3/2/16

The 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, Anthony Lawrence, Cory Lupinacci, Joe Barts, Peter Sharpe and Ray Cousineau
ABSENT: Anthony McClerklin (Excused)
OTHERS: Carmine Avantini (CIB Planning), Carol Maise and Nancy Fisher (Recording Secretary)

Determination of a Quorum:
A quorum of the Planning Commission was present for this meeting.

Agenda:
No additions or changes were made to the agenda.

Approval of Minutes
There were no Minutes to be approved.

Correspondence:
City Manager's Update - January 26, 2016
Letter from Horizon Builders & Developers requesting extension on SPR 31-927-07

Mr. Avantini indicated that no public hearing is required for this matter. The main criteria is whether the Ordinance has been changed and it has not. Chairman Day said that they spent a lot of time working out a suitable site plan for this property. He realizes it was done during the economic downturn. He is in favor of granting an extension for 1 year. He does not think tonight's agenda needs to be amended for this item.

MOTION and second by Commissioners Lupinacci and Lawrence to approve Horizon Builders & Developers' SPR #31-927-07 request for an extension of time, not to exceed 2 years to allow sufficient time to move forward. This is an extension to the approval for construction of a 7,809 sq. ft. day care building and a 22,129 sq. ft., three story office building on 1.85 acres of property located on the west side of Wixom Road, south of Maple Road, and zoned VCA, Village Center Area. The parcel numbers are 17-31-426-027/012.

VOTE: **MOTION CARRIED**

Call to the Public:
There were no comments made by the public.

Unfinished Business:
There was no unfinished business listed on the agenda for this meeting.

New Business:

1. **FINAL SITE PLAN REVIEW, SPR #07-035-15, FIBERCLASS, 50370 DENNIS COURT, WIXOM, MI 48393.** The applicant is requesting site plan approval for the construction of a 6,000-square foot building addition for Fiberclass at 50370 Dennis Court in the Dennis Industrial Complex, which is located on the north side of Pontiac Trail west of Wixom Road. The addition is located on the west side of the 23,540-sq. ft. existing warehouse building. Proposed site improvements include 26 new vehicle parking spaces along the west side of property; relocated vehicle parking and new landscape area on the north side of the building; and relocated power poles (electric line to be relocated underground). The building addition will include warehouse space and two (2) overhead doors. The property is zoned M-1, Light Industrial District where manufacturing uses are permitted in that District, and the parcel number is 17-31-352-005.

Mr. Avantini referred to his January 25, 2016 review letter. He noted this complex contains a number of attached buildings and stand alone structures. The applicant's building is located on the left. They are required to have a 10-foot parking setback; however, there is only 7 feet. Mr. Clark from Quadrants is present tonight to discuss this. Mr. Avantini thinks it is better to develop the site where it will work properly. He would encourage the applicant to keep it at 7 feet and apply for a variance. The applicant is not in compliance for lot coverage. When you are at less than 1 percent, it is better to allow them to move forward since it is close enough to the Ordinance requirements. The applicant has agreed to screen the mechanical units. They exceed parking space limits by 20 percent but the Planning Commission has the ability to approve it based upon a demonstrated need. Generally, overnight truck storage is a special land use. However, they have always had this and have never had to obtain a special land use. He thinks it would be unreasonable to require them to do so now. He will need to see a truck circulation plan. There is some confusion about the sidewalk. They will need to have a permanent waste enclosure and they have agreed to this.

Mr. Avantini recommends approval contingent upon: 1) A note being added to the plan stating that all ground, roof and building mounted mechanical equipment and utilities will be screened; 2) Planning Commission approval of the number of parking spaces provided exceeding Ordinance requirements; 3) the parking setback and impervious surface requirements under Item #2 must be met or variances requested from the Zoning Board of Appeals (ZBA); 4) installation of a permanent masonry dumpster enclosure, to be reviewed and approved administratively; 5) the installation of required landscaping around the dumpster enclosure; and 6) review and approval of all other applicable consultants, departments and agencies.

Commissioner Lupinacci inquired where the truck configuration plan figures into Mr. Avantini's recommendation since it is not enumerated therein and whether it needs to be included in a proposed Motion. Mr. Avantini noted that this would be reviewed administratively. As long as the applicant utilizes the smaller trucks it has been using, it will be fine. The remedy would be that they would cut down the radius at the corner.

William Clark, 49132 Wixom Tech Drive, Wixom. He is here on behalf of Fiberclass. He agrees with Mr. Avantini's comments with the exception of the parking spaces which exceed the Ordinance. He presented the owner of Fiberclass, Joe Nell, who is also present tonight. Chairman Day asked why more parking spaces are required.

Joe Nell, 50370 Dennis Court, Wixom. Parking has been a problem for him for the last 25 years. He is a victim of his own success. His trucks get loaded and then they go back out. He employs too many people for the building. The standard number of parking spaces does not work because the number of installers he employs. Mr. Clark noted that this business does not fit into a warehouse or an office classification. It

is a hybrid. Trucks go out to sites, then come in at night and are reloaded with product for the following day. Service technicians park their personal vehicles there also. The personal vehicles and the trucks are in a constant state of movement. The only day the business does not operate is Sunday. Mr. Nell said that he has found it necessary to have his employees report to the business where they clock in as there is more accountability.

Chairman Day inquired about the parking setback and impervious surface. Mr. Clark said because they are adding 26 spaces to the rear, there is currently a 25-foot setback on the west end. When they take 18 feet for parking, it leaves 7 feet. One way to make it more conforming is to make the parking space 16 feet deep on both sides which gains 4 feet and makes the cars overhang 2 feet. Mr. Avantini said that he would rather see them build to 18 feet and go for a variance. Chairman Day confirmed with Mr. Nell that other than in terms of the outside storage of trucks, that has been his business model since the business' inception. Mr. Clark noted that when the trucks are onsite, they are in designated parking areas with fire lanes. Chairman Day confirmed that Mr. Nell directs his employees where the trucks are to be parked.

Commissioner Cousineau confirmed with Mr. Avantini that if it is determined that a 7-foot offset is acceptable, then the applicant will have to go to the Zoning Board of Appeals (ZBA) for a variance. Mr. Avantini said that the Ordinance says that you can drop 2 feet off and go with 16 feet instead of 18 feet which would preclude the necessity of a variance. Commissioner Cousineau said that he would prefer to have them maintain the 18 feet and seek the variance. That way, they can approve the plan. Mr. Avantini noted that since Commissioner Barts also sits on the ZBA, he would not be able to vote on this matter both as a Planning Commissioner and as a ZBA boardmember. Commissioner Carter agrees to stay with the more comfortable parking.

MOTION and second by Commissioners Lupinacci and Lawrence to approve SPR #07-035-15, Fiberclass' site plan for the construction of a 6,000-square foot building addition for Fiberclass at 50370 Dennis Court in the Dennis Industrial Complex, which is located on the north side of Pontiac Trail west of Wixom Road. This approval is contingent upon: 1) that a note be added that all ground, roof and building mounted mechanicals be screened; 2) the Planning Commission has explicitly approved that the number of parking spaces provided exceeding Ordinance requirements will be acceptable; 3) the percentage of impervious surface coverage is acceptable and is in compliance; 4) the truck circulation plan will be approved and reviewed administratively; 5) the installation of a permanent masonry dumpster enclosure, to be reviewed and approved administratively; 6) the landscaping surrounding the dumpster and enclosure will be reviewed and approved administratively; 7) the approval of all other applicable City departments, agencies and consultants; and 8) a variance must be obtained from the ZBA for setback from the standard 10 feet to 7 feet while maintaining the 18-foot parking. The property is zoned M-1, Light Industrial District where manufacturing uses are permitted in that District, and the parcel number is 17-31-352-005. Commissioner Barts abstained.

VOTE: MOTION CARRIED

2. **PLANNING COMMISSION BY-LAWS.** A study session will be held to discuss a draft set of Planning Commission By-Laws prepared by the City planning consultants, CIB Planning, for review and consideration. The draft By-Laws are consistent with the requirement of the Michigan Planning Enabling Act of 2008, Public Act 267 of 1976, as amended.

Mr. Avantini noted that there was a presentation about the By-Laws at the City Council session. The By-Laws were last approved in the mid-1990's so it was time to bring them up to date. Ms. Maise is here tonight to help outline the changes which were made. Basically, they started from scratch. Ms. Maise

said that she tried to track the changes which is represented in the Commissioners' meeting packets tonight. They were also provided with copies of the existing By-Laws. The structure is primarily the same with minor changes. There were a lot of things missing that are part of the current Enabling section.

Commissioner Lupinacci has reviewed the proposed changes and has several questions and concerns. Under Article II, Section 1 'Duties' (C), it refers to preparation of a monthly Planning Commission report. What is that report? Is it the Minutes? He thinks it is ambiguous. Chairman Day concurred. Mr. Avantini said that the Enabling Act requires a written report and that to comply with that, every month he prepares a report summarizing the Planning Commission and the ZBA's activities which gets forwarded to City Council. Commissioner Lupinacci's concern is that it is being deemed a duty of the Planning Commission; however, the Commissioners have no input into the report. Chairman Day suggested making it an annual report prepared by Mr. Avantini to be approved by the Planning Commission. Commissioner Carter noted that they receive copies of City Council Minutes and that the Planning Commissioners could review Mr. Avantini's reports for potential errors that way. Chairman Day noted that the Commissioners receive the City Manager's reports. Chairman Day and Commissioner Cousineau both said that they receive copies of City Council Minutes. The other Commissioners said that they do not. Mr. Avantini will have Ms. Gallo provide a copy of his report to City Council to the Planning Commissioners. Commissioner Carter inquired about making it a Consent Agenda item. Chairman Day and Commissioner Lupinacci noted that Consent Agenda items are action oriented. Mr. Avantini stated that the monthly report only covers what items were approved or denied, whether there were any new Zoning Ordinances adopted, etc.

Commissioner Lupinacci noted that Under Article II, Section 1 'Duties' (I), the first five words beginning "conduct site visits as necessary" should be stricken and that (H) should be moved to be the final item.

Commissioner Lupinacci noted that under Article III 'Membership', Section 1 (A) 'Members', change the word 'different' to 'diverse'. In subsection E of that same section entitled 'Other Office', he is confused about the reference to the administrative office selected by the Mayor. Mr. Avantini noted that this is provided for under State law; however, he will remove it.

Commissioner Lupinacci objected to the language of Article III 'Membership', Section 2 (A) 'Absences' and believes that requiring at least 24 hours' notice of an absence is excessively rigid. He noted that things happen and suggested employing alternative language such as "effective communication in advance of the meeting", citing the example of Commissioner McClerklin's email announcing his absence which would have been deemed an unexcused absence if this rule were applied. Ms. Maise noted that there are two threshholds: 1) two unexcused absences or if it equates to 25 percent. Chairman Day believes that missing 25 percent of the meetings is more appropriate. He also noted that as it stands, it does not delineate who would be responsible for removing a Commissioner for this reason. It would likely be City Council although that is not spelled out. Chairman Day suggested changing the language "shall be considered nonperformance of duty" to "may be cause for removal from the Commission". He also suggested changing the wording to "upon vote by the majority of Council".

Commissioner Lupinacci also suggested altering the language in the 'Removal' section from "written charges have been prepared" to "written justification has been prepared".

Under Article IV 'Officers', Commissioner Lupinacci is confused by a Planning Commissioner holding the position of Secretary as outlined in Subsection C. Chairman Day thinks this refers to the third person to chair the meeting if the first two are unable to run it. Commissioner Lupinacci does not think that the 'Secretary' should be involved in preparation of the meeting Minutes. Mr. Avantini suggested having a Senior Vice Chairperson and Vice Chairperson. Chairman Day prefers the term 'Alternative Vice Chair'.

Under Article V 'Conflicts of Interest', Section 2 (C), Commissioner Lupinacci questioned whether the Commissioner declaring the conflict must absent the room. Mr. Avantini said that is State law. That Boardmember/Commissioner must be nowhere near the discussion so that there is no opportunity for them to influence it. Chairman Day thinks it is wise to have this rule.

Commissioner Lawrence questioned Article III 'Membership', Section 1(C) 'Terms'. He noted that the Commissioners are appointed for 3-year terms yet they hold office until a successor is appointed. Chairman Day thinks this must be for reasons of State law and to ensure that there are enough people to serve.

Commissioner Cousineau asked for clarification of the Call to the Public on the agenda. He asked whether the first Call is limited to agenda items only. He noted that typically it is open for discussion of non-agenda items. He confirmed that the second Call to the Public is for that. Mr. Avantini noted that Townships do this at the beginning of their meetings. He thinks the first Call should be agenda items so that people can speak to it. Commissioner Cousineau confirmed that that they do not have to hear the public unless it is a public hearing.

Commissioner Carter pointed out Article IV 'Officers', Section 2 (A) 'Elections'. He noted that the Planning Commission does not seem to hold elections for its officers. He does not have a problem with this but wondered whether they should do this. Chairman Day said they should do this every January. Once the By-Laws are refined and adopted, they should have an election and then do it every January thereafter.

Call to the Public:
None.

Staff Comments:
Mr. Avantini referred to Marvin Puda's recent request for expansion of the BP mini-mart. Mr. Avantini recently discovered that back in the 1990's, the construction of the mini-mart was approved under Consent Judgment and that there were no variances and that there can be no variances. Accordingly, the only way that he can expand is to secure City Council approval, then go to Court to get the Consent Judgment changed. Chairman Day noted that the applicant has already been working on moving the diesel pumps to Pontiac Trail.

Commission Comments:
Commissioner Lawrence announced that he will be absent from all meetings after tonight's until April 4, 2016.

ADJOURNMENT:
This meeting of the Planning Commission was motioned and adjourned at 8:34 p.m.

Nancy Fisher
Recording Secretary