

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, MAY 2, 2016**

Approved
05/23/16

The meeting was called to order by Chairman Day of the Planning Commission at 7:34 p.m. at which time allegiance was pledged to the American flag.

PRESENT: William Day (Chairman), Phillip Carter, Anthony Lawrence, Cory Lupinacci, Anthony McClerklin, Joe Barts, and Sandro Grossi
ABSENT: Peter Sharpe (Excused) and Ray Cousineau (Excused)
OTHERS: Carmine Avantini (CIB Planning), Tim Sikma (Director of Department of Public Works) 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 the February 29, 2016 Joint Meeting Minutes:

MOTION and seconded by Commissioners Carter and Lupinacci to approve the February 29, 2016 Joint Meeting Minutes.

VOTE:

MOTION CARRIED

Correspondence:

City Manager's Update – April 26, 2016

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. REVIEW & DISCUSSION – AMENDMENTS TO TITLE 17, WOODLANDS, & TITLE 18, ZONING, OF THE CITY CODE.** The City is looking to put in place provisions that will allow for financial contributions to the City Tree Fund in lieu of the planting of required trees and shrubs, when they cannot be accommodated on-site.

Mr. Avantini noted that Tim Sikma, Director of the City's Department of Public Works (DPW), is present tonight and he has been involved in the amendments to this section of the City Code. For years, when there were developments where it is not possible to plant trees and landscaping, they have had people contribute to the tree fund. The DPW buys trees and installs them in the right-of-way using tree replacement monies. Mr. Avantini and the staff are now going through old escrows from projects that were not closed out and have found that some of the remaining funds can be used for tree replacement. He also discovered that there were no previous Ordinances governing the establishment and regulation of the tree fund. Ultimately, the DPW will plant the trees.

Mr. Sikma said changes were made to the Ordinance in order to define the term "trees". Trees were sometimes planted in areas without a use in mind; i.e., over a water main, which is problematic. They categorized trees which gives them leeway on how and where they are planted. It also assigns a cost which would eventually be approved by City Council. They also initiated the use of a permit fee for the trees. Chairman Day said that it did not occur to him that the City did not have the legal authority for the tree fund. Mr. Sikma noted that this is an amendment. The grey area was when developments had limited space and large treed areas were being clearcut. There is the potential of not being able to replant with the desired density. This now allows for replanting in different areas.

Chairman Day recalled when developers cooperatively put money into the tree fund without any legal requirement. Mr. Sikma noted they are having difficulty releasing the escrow monies because the amount is not identified. This allows them to use funds in another area of the City. The oldest account is from 1998. Commissioner Barts asked why the Ordinance refers to only trees and not shrubs. Mr. Sikma said that they intended to originally use the term 'shrub'; however, they are going to consider different ornamental trees as a shrub. The City Attorney likes the definition for 'tree' better than for 'shrub'. Mr. Avantini noted that trees can be swapped for landscaping on site plans. This allows for negotiation and the Planning Commission has the flexibility to do that. Commissioner Barts confirmed with Mr. Avantini that this sort of thing would be spelled out in the recommendations of Mr. Avantini's review letters.

Commissioner Barts asked how developers feel about giving money for the tree fund for sites bordering industrial parks and whether that is cooperative. Mr. Avantini said that Wixom's neighboring communities require a complete tree survey. If he knows from the site plan that some of the trees will be eliminated, he will ask for a list of the trees to be removed and spot check them. This waives the expense of a full blown tree survey for the developer. He can also do tradeoffs. He will not make the developers go through the replacement requirements except for landmark trees. The City does not want to be overly burdensome regarding industrial sites and wants to be competitive with other neighboring communities in order to attract businesses.

Commissioner Lupinacci asked about the process of having an escrow account associated with these funds. Are the monies going into the fund as the City sees fit? Mr. Avantini said that there are 300 escrow accounts dating back to the 1990's ranging from small negative balances to \$20,000 attached to 300 different projects which were reviewed over the course of years. At the end of the review process, monies left in escrow were returned after they were finalized. However, some of these projects were not finalized. He is now reviewing those site plans. Commissioner Lupinacci confirmed with Mr. Avantini that once the monies are designated for the tree fund, the developers no longer have a claim on it. Mr. Avantini noted that these accounts need to be closed out this year. Mr. Sikma noted that in the future it will move over to the escrow account right away. Commissioner Barts inquired whether it would be prudent to include a sunset clause and cited the example of performance bonds. Mr. Avantini said that is a separate Ordinance and they have discussed this. State law says that if there is no Ordinance in place, the left over monies go to the State. Currently there needs to be a local Ordinance which allows the City to keep what is not being used.

Commissioner Carter inquired about the definition of 'landmark trees'. Mr. Avantini said that the definition is contained in the Woodlands Ordinance and is defined by a certain species and size. Landmark trees are not scrub trees.

Chairman Day inquired whether the Planning Commission needs to take any action on this agenda item. He believes the escrow accounts need to be closed and settled.

2. **REVIEW AND DISCUSSION – POTENTIAL SIGN ORDINANCE AMENDMENTS.** The City Planning Consultant, Carmine Avantini of CIB Planning, will review draft Sign Ordinance text amendments that will improve enforcement capabilities and respond to a recent U.S. Supreme Court decision.

Mr. Avantini noted that he has had some time to work with the new Sign Ordinance. He is working on streamlining the enforcement and has devised brochures he can hand out to business owners. He thought that they did a good job of not being content based; however, there were a couple of sections that were, in particular construction and real estate. Those definitions have been stricken. What you need to look at with signage is how big it is, its location and whether the signage is permanent or temporary. They are seeing pushback from realtors. However, the City's hands are tied by the Supreme Court decision. If someone requires a larger sign, they will have to go before the Zoning Board of Appeals (ZBA). Temporary signs need to be kept relatively small. The City cannot differentiate between a garage sale sign and a sign on the former Ford Motor property. Chairman Day inquired about political signs. Mr. Avantini noted that they are temporary in nature and the Courts have given them preferential treatment. He decided to categorize them as temporary as long as they do not create an unsafe situation. It is not worth trying to enforce it. Chairman Day asked for and received clarification of what a feather sign is. Mr. Avantini noted that feather signs are not allowed.

Mr. Avantini noted that he ran into a situation in another community which is reflected on page 70-7 of the draft Sign Ordinance. Generally, sidewalks are on a public right-of-way. In this other community, the property went to the curb line and had a monument sign which is an electronic message board. He added language that it needs to be located inside the sidewalk but not between the sidewalk and the curb. Commissioner Carter confirmed with Mr. Avantini that this would be a public safety/visibility concern.

Mr. Avantini referred to page 70-11 of the draft Sign Ordinance and noted that taller ground signs are allowed on major thoroughfares which provides more sign area. He did not include West Road and thinks that it should be included. Chairman Day agrees. Mr. Avantini would like to see people doing this rather than the semi-permanent, tacky signs. Commissioner Carter asked why Pontiac Trail is not included. Mr. Avantini said that the speeds are not high enough. Chairman Day asked why the section east of the Village Center Area (VCA) is not included and he noted that is a major thoroughfare. Mr. Avantini said there is only one shopping center there and it is very close to the road. They can put in a multi-tenant sign. Chairman Day thinks it should be west of the VCA to the City limit. Mr. Avantini will make this change.

Mr. Avantini noted that within 10 feet, you force the canopies to go so high they go into the second story. The big concern was around plowing equipment; however, that does not usually go that high. The canopy makers he has talked to say that an 8 to 8.5 foot clearance is fine. Most will be 8.5 to 9 feet.

Mr. Avantini noted that a change was made to (e)(2) "Changeable Message Signs" on page 70-12 which originally permitted users to have one-third of the total area of the sign. He wants to change it to allowable sign area. This would not increase the electronic message sign and restricts the overall size of the sign. He has no way of measuring luminance without the assistance of an expert. His proposed language is a standard used by other communities. Using the one-half foot candle measure enables him to measure it with a light meter. Commissioner Carter suggested changing the reference from nits to foot candles throughout for consistency's sake. He prefers to see the same measure utilized throughout the entire Ordinance.

Mr. Avantini noted that the changes to electronic message boards allows the users to change the message every 30 seconds instead of every 5 minutes which will not create a distraction for drivers. Permitting

this change may also garner higher compliance. However, he does not recommend changing from one color since there are compliance issues which will make it that much harder. If he finds good compliance over time, they can add multi-color later. He sees the next evolution of electronic signage as video display which is already in some states.

Commissioner Carter noted that on page 70-1, the former paragraph (e) appears to have been stricken. It mentioned off-premise signage. Commissioner Lupinacci noted that the prohibition of off-premise signage remains in the 'Prohibited Signs' section on page 70-5. Mr. Avantini will bring this to the attention of the City Attorney. Mr. Avantini noted that the next City-wide Joint Meeting will be on the topic of community image building which is about signage. We need to have everyone on the same page regarding expectations. He also intends to discuss the standard and enforcement. Signs are difficult to deal with on a complaint basis. Everyone needs to be treated the same which increases compliance with the Ordinance. He will also discuss why it is important to control signage. A recent survey found that it is the quality of the sign and not the number of signs or the extravagance of the signage.

Mr. Avantini noted that on page 70-14, under C(8), he added LED lighting in addition to neon lighting. He received another call from a business recently asking if they could wrap their windows in neon lighting. Merchants are not necessarily experts in building design or advertising. Commissioner Carter asked whether accent lighting is to be considered separate from security lighting. Mr. Avantini said that lights are allowed for parking lots and buildings. This is under the Sign section. He does not want to discourage creativity with the signs but he does not want them wrapping it around windows. He could see neon/LED in Section C(8) on page 70-14.

Commissioner Carter inquired about the definition of the term 'name plate' on page 2 and why it mentions "residential district". Mr. Avantini noted that there are not supposed to be temporary signs in a residential district. If you have a home occupation, you are allowed a name plate. Commissioner Carter confirmed with Mr. Avantini that it is not a problem to define it as a sign in a residential district.

Call to the Public:

None.

Staff Comments:

Mr. Avantini has been working hard to wrap up the Menards' site items including utility hookups so Menards can move forward with selling its outlots. Menards was supposed to use stone on the north side of the building next to the wood storage. However, they have requested the Planning Commission's approval to alternatively use crushed concrete since it will not wash away as easily as the stone. They currently have rebar sticking out of it which would have to be cut out to Mr. Avantini's satisfaction. The crushed concrete is really not that visible but he would like the feedback of the Planning Commissioners. Chairman Day asked whether there is an advantage to the crushed concrete other than the cost. Mr. Avantini said that stone is smaller and could wash away. There are also issues with taking concrete offsite which requires approval to do so. He does not believe it looks that bad. Chairman Day does not have a problem if it does not affect the adjacent sites. Mr. Avantini will not approve this until the rebar has been removed. Chairman Day and Commissioner Lawrence agreed. Mr. Avantini will personally inspect this before approving it.

Mr. Avantini noted that he inspected most of the Menards site and most of the landscaping is in. There are a few areas of debris and some things required by the Development Agreement that have yet to be completed. This is holding up the outlot buyers.

Mr. Avantini had a request from the entity which owns the remainder of the Ford property about crushing and utilizing concrete from the I-275 reconstruction. That would require a special land use and the Department of Environment Quality (DEQ) would likely have to review it.

Commission Comments:

Commissioner Lupinacci noted that he expressed reservations about the diagram which was presented which included commercial/retail use on the property north of the railroad track space but south of Maple Road. He did not see this reflected in the Joint Meeting Minutes.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 8:35 p.m.

Nancy Fisher
Recording Secretary