

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, FEBRUARY 27, 2017**

Approved  
4/3/17

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, Joe Barts, Peter Sharpe, Ray Cousineau and Sandro Grossi

**ABSENT:** None

**OTHERS:** Carmine Avantini (CIB Planning), Carol Maise (CIB Planning) 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 6, 2017 Planning Commission Meeting Minutes and the January 30, 2017**

**Joint Meeting Minutes:**

**MOTION** and seconded by Commissioners Carter and Lawrence to approve the February 6, 2017 Planning Commission Meeting Minutes and the January 30, 2017 Joint Meeting Minutes.

**VOTE:**

**MOTION CARRIED**

**Correspondence:**

City Manager's Update – February 14, 2017

Charter Township of Milford – Draft Master Plan Distribution and Public Hearing Date

**Call to the Public:**

There were no comments made by the public.

**Unfinished Business:**

- 1. PREMIER INTERNATIONAL, 46903 WEST ROAD, WIXOM, MI, 48393:** The applicant is seeking special land use approval for the outdoor storage of wood pallets. A public hearing was held at the January 4, 2017 meeting and the request was tabled until the February 6, 2017 meeting so the applicant could look for ways to eliminate or minimize the amount of outdoor storage being requested. The request was again tabled at that meeting until the February 27<sup>th</sup> so the applicant can continue looking at discussed alternatives. The Municipal Code, **Section 18.09.020, Table 9.02**, requires approval from the Planning Commission for this request. The property is located at 46903 West Road and is zoned M-1, Light Industrial, where outdoor storage is allowed as a special land use in that district. The parcel number is 96-22-09-102-015.

Chairman Day noted that there is correspondence which was received from Premier International indicating that they will not be attending tonight's meeting and that they have arrived at a solution. However, Chairman Day noted that the proposed solution involves outside storage and an amendment to the site plan. He recommends tabling this to the Planning Commission's second meeting in April. Mr. Avantini said that he met with the applicant, Dennis Smith, Deb Barker and the Fire Chief and they

discussed options and that he proposed expanding the existing enclosure where the compactor currently is located. The applicant would need to keep it 30 feet from the wall. That distance should accommodate the pallets without the compactor. However, will it be small enough with the new truck well? Commissioner Cousineau asked Mr. Avantini whether this would be handled administratively. Mr. Avantini said that it depends on the end result. If things are outside, it would be part of the special land use. If not, the applicant can request that it be withdrawn and dealt with administratively. Chairman Day noted that the outside storage of pallets is still outdoor storage. He would prefer that the applicant come back before the Planning Commission. Mr. Avantini agreed that is a good idea.

**MOTION** and second by Commissioners Carter and Lawrence to table Special Use #16-008, Premier International's request for special land use approval for the outdoor storage of wood pallets until the Planning Commission's second meeting in April, 2017 in order to allow the applicant and the City Planner to develop a solution. The property is located at 46903 West Road, is zoned M-1, Light Industrial and the parcel number is 96-22-09-102-015.

**VOTE:**

**MOTION CARRIED**

**New Business:**

- 1. PLANNING COMMISSION TRAINING.** The City's Planning Consultant, Carmine Avantini from CIB Planning, Inc., will be conducting a training session on Conditional Rezoning Requests, which are authorized under the Michigan Zoning Enabling Act (MZEA). This type of request provides applicants with a way to rezone properties for a specific use without opening the door to other less acceptable uses in a zoning district. This is becoming a popular zoning tool in other communities and the Planning Commission will be brought up to date on how conditional rezoning requests are handled.

Mr. Avantini noted that conditional rezonings are becoming very popular and that he privately represented an applicant in one. Applicants are not permitted to do contract rezoning. Planned unit developments (PUD's) have always been an option. However, where PUD's are not available, conditional rezoning is an option. With traditional rezoning, if he wants a use to go before a commercial rezoning district on the lighter end, that could be acceptable. However, to rezone as Commercial could be problematic. If the use changes during site plan review, he cannot stop the applicant. Chairman Day asked whether this would apply to the property at Charms and Wixom Roads. Mr. Avantini said that if there is a corner in a residential area where it is neighborhood commercial, you may want to use conditional rezoning. Chairman Day asked whether General Business zoning allows for retail and office use. Mr. Avantini said that it would and that they can be anything. He used the example of one that is in the City of South Lyon behind a manufactured housing community. There is a vacant piece of land behind it with a County drain and a nearby City cemetery. People would not want to build there and there is no secondary means of access. South Lyon's Planning Commission recommended that they consider conditional rezoning for a storage facility. Technically, it falls into the Industrial use category. It is a win-win for the community since they can attach conditions to it.

Mr. Avantini noted that once a property is rezoned, it opens the door to any use there. Conditional rezoning allows developers to do something that is not allowed in the zoning district or even in the Master Plan. It has to be voluntarily offered by the applicant. The Planning Commission or City Council cannot suggest it. The Planning Commission can attach time frames to the conditions. In South Lyon, they have 1 year to complete Phase I and 3 years for subsequent phases. Whatever the applicant is giving is what you have. Chairman Day asked whether a municipality and an applicant would not be talking back and forth. Chairman Grossi confirmed with Mr. Avantini that it is all or nothing.

Mr. Avantini noted that State law imposes two more conditions. The applicant can apply for an extension of the time frame and it can be granted. The City cannot require the applicant to offer conditions as a requirement for rezoning. The law effectively ties the community's hands a bit. The applicant has to guess about what the conditions might be. A significant investment must be made by the applicant to provide detailed conditions without knowing whether they are acceptable. A potentially acceptable request might be denied due to incomplete information. An applicant can meet with the neighbors and abutting property owners before submitting its request to find out what the neighbors might be concerned with. Then the applicant could focus upon those issues. The more conditions you can address, the better it will be received by the City. The applicant can work with the City staff and consultants to identify potential issues. There is nothing wrong with an applicant coming in for a conceptual review before it submits its application. Commissioner Carter asked Mr. Avantini whether a conceptual review is a part of the public record. Mr. Avantini said that it is and that it should be focused on the applicant's plan. Chairman Day noted that once something is brought to the City by the applicant that there is no more talking about it after that point. However, the following month they can come back with a different plan.

Mr. Avantini noted that the City may find that it is running into conditional rezoning for a specific use where it might be appropriate. Commissioner Cousineau gave an example of a municipal storage facility in a residentially zoned area and asked whether the residential zoning is conditioned upon the voluntary conditions. Mr. Avantini said yes. He said there will be people wanting a use that is not appropriate in that district. The City will see more of these conditional rezonings for middle housing, (both in terms of owner-occupied and renter-occupied but both of higher quality). He noted that the new townhouses were all pre-sold before the building plans were approved. That kind of demand will continue based on demographics and the housing shortage. Millennials decide where to accept jobs and move to, then purchase a home. That will require a different zoning strategy.

Commissioner Grossi asked how long conditional rezoning has been around. Mr. Avantini said since 2007 or 2008. Commissioner Grossi asked whether rezoning runs with the land or the applicant and gave an example of a bed and breakfast which could be sold and then later reopened by a different proprietor. Mr. Avantini said that typically land use approval runs with the land. It depends on how the conditional rezoning was written. Commissioner Carter asked Mr. Avantini whether there are not specific time parameters. Mr. Avantini said that he does not know whether a community has the ability to change it as long as the applicant continues to meet the original conditions. Ms. Maise noted that she dealt with a similar situation recently where there was a development agreement which referenced the section of the Ordinance citing that if the use was discontinued, it would revert back. In that case, the new owner would have to go through the process again. Mr. Avantini noted that there are abandonment requirements written into the Ordinance.

Mr. Avantini asked whether there are any airbnb's in the City. He has seen conditional rezonings suggested for airbnb's. He has started researching them. His initial thought is: are they changing the essential character of the housing and the neighborhood? If it starts to look more like a hotel than a house, that could be problematic. Commissioner Grossi asked Mr. Avantini whether any municipalities faced legal cases regarding this issue. Mr. Avantini said no but that may be because things have been pretty quiet since the economic downturn.

**Call to the Public:**

None.

**Staff Comments:**

**PLANNING COMMISSION INTERPRETATION/DIRECTION.** Staff would like to discuss current zoning ordinance requirements, and corresponding ambiguity, regarding setbacks for paver patios in the VCA, Village Center Area.

Ms. Maise announced that there is a case where one of the houses in the Village Center Area (VCA) wants a paver patio within 10 feet of the property line. The original waiver was for 20 feet for the sunroom which includes decks for setbacks. They are saying that an at grade patio should be considered an accessory structure. Ms. Maise researched the Ordinance and there are some inconsistencies that need to be cleaned up. The rear yards in the VCA are smaller so the provision to go 20 feet will not apply. The other standard uses a 3-foot terrace projection to the property line. Accessory uses can go 3 feet. That needs to be clarified in the Ordinance; however, she would like feedback from the Commissioners. Is it okay to extend it a bit further knowing that the patio area will be a gathering area? Chairman Day asked what an accessory use is. Mr. Avantini said it could be a shed. Chairman Day said that if residents can put a shed there, there is no reason not to allow an at grade patio. Ms. Maise noted that a patio is a gathering area which has the potential to put a lot of people there. Chairman Day noted that the VCA was intended to create an area where people can gather. Ms. Maise said that for some of it you have to consider your use of the area.

Commissioner Carter asked whether an outdoor kitchen would be considered an accessory structure. Chairman Day said that he would rather see a neighbor have an outdoor kitchen than a shed. Commissioner Lawrence noted that the lots are deeper. Why do people think they will be within 3 feet of the property line with 20 feet? Mr. Avantini noted that everything in the Ordinance is clear except for this. He is opening to hearing the wishes of the Commissioners. Chairman Day suggested allowing for a 10-foot setback which would provide some green space. Mr. Avantini noted that it would be a little tighter on the sides, perhaps 10 feet by 5 feet.

Mr. Avantini noted that anything over 18 inches is no longer considered an at grade patio and is considered a deck. Commissioner Carter noted that you do not want to have neighbors above you looking down onto your yard. A ground level patio is more acceptable to prevent that type of situation. Mr. Avantini believes they will see more pavers especially since those lots are so tight. Ms. Maise noted that the Ordinance requires a 16-foot rear yard setback.

**Commission Comments:**

Commissioner Barts asked Mr. Avantini about the property on Charms Road with access to the DPW yard. He noted there is green space on the east side of the access road. There was a lot of work which occurred there last autumn where the land was cleared and several trees were removed outside the fence line. What is that? Mr. Avantini said that they were cleaning things out for the treatment plant but he will inquire and get back to Commissioner Barts.

Chairman Day reminded the Commissioners that the Mayor's State of the City address will be delivered this Thursday night and he encouraged the Commissioners to attend.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 8:24 p.m.

Nancy Fisher  
Recording Secretary