

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, MARCH 26, 2018**

APPROVED

4.23.18

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), Colleen Hill-Stramsak, P.E. (Hubbell, Roth & Clark, Inc.) 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 26, 2018 Planning Commission Meeting Minutes:

MOTION and seconded by Commissioners Carter and Lawrence to approve the February 26, 2018 Planning Commission Meeting Minutes, **as amended.**

VOTE:

MOTION CARRIED

Correspondence:

City Manager's Update – March 13, 2018

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. **REZONING #001-018: CREEKSIDE, 3515 MAPLE ROAD & 3400 THEODORE STREET, WIXOM, MI 48393:** The applicant is seeking approval to rezone the property at 3515 Maple Road from R-3, One-Family Residential to R-4, One-Family Residential/PUD, Planned Unit Development and the property at 3400 Theodore Street from R-3, One-Family Residential to RM-2, Multiple-Family Residential/PUD, Planned Unit Development. The associated Preliminary PUD Plan proposes a 50-unit single-family residential site condominium development on the northern portion of the site, which has frontage along Maple Road (Phase 1); a 63-unit townhouse development on the south side of the Norton Creek (Phase 2) and 196 apartment units along the railroad (Phase 3). The Municipal Code, **Sections 18.23.030 and 18.11.060**, require approval from the City Council, upon recommendation from the Planning Commission, for this request. The parcel numbers are 17-31-401-012 and 17-31-401-013.

Mr. Avantini referred to his March 22, 2018 staff report. There are two review letters, one for the planned unit development (PUD) rezoning and one for the PUD site plan. Parcels 1 and 2 are both R-3. They have requested R-4 on Maple Road. The uses are the same except that R-3 allows raising and keeping of horses and livestock. With the PUD overlay, smaller lot sizes are allowed. Parcel No. 2 (Phases 2 and 3—the townhouses and apartment buildings) are higher density. Those are not single-family and they are multi-family. Apartments are considered multi family. The Planning Commission is doing a preliminary site plan review with rezoning tonight. If approved, it comes back to the Planning Commission and City Council for final site plan approval including finalized details (grading drainage, etc.). With PUD's, applicants can request things that are different than its current zoning or what is called for by the Master Plan. However, conditions can be attached it. PUD's are limited to what the applicant proposes. To approve a PUD, there is specific Ordinance criteria including:

- Preservation of natural features (wooded wetlands around Norton Creek, two decorative stone bridge crossings and open space to be provided south of the units)

- A complementary mixture of uses of housing types (the applicant proposed smaller single-family housing sizes, condos and apartments. Sample evaluations have been submitted. Single-family homes will be accessed by alleys. There will be porches)
- Creative designs (since the creek divides the property and the railroad is at the back, mixed residential will allow for creative site use. The lots will be 12,500 square feet since larger lots would be too challenging and it preserves more open space. For Parcel No. 2, the infrastructure costs must be evaluated. There may not be two bridges due to the cost. Single-family homes may not be viable that close to the railroad and Korex. The Planning Commission will have to decide whether the proposed housing type mix is appropriate)
- Common open space for passive/recreational use (the wooded wetland area next to the creek will be preserved)
- Mitigation to offset community impacts (traffic which operates at a service level of E or F. A light can be installed at Wixom Road and Theodore and a right turn lane added at the intersection of Wixom and Maple Roads intersection. He will defer to the City traffic engineer in this regard)
- Redevelopment of nonconforming sites (this is not applicable)
- Availability and capacity of public services (traffic is a primary concern. It was evaluated by the Institute of Transportation Engineers (ITE). Parcel No. 1 will generate 214 trips which would be less than if it were developed for large-lot single-family. The townhouses and apartments in Phase 2 would generate 1,896 trips. These impacts will have to be addressed by the Traffic Consultant, particularly those associated with Phase 2. The traffic study talks about the current concerns at these intersections.
- The availability and capacity of public services and utilities should be adequate as noted by the City's engineering consultant. There are concerns about conditions at Wixom Road and Theodore and Wixom Road and Pontiac Trail intersections. Potential improvements may be required and will be reviewed by the City's engineering consultant.
- Compatibility with the Master Plan the Master Plan goals include well-designed neighborhoods with a variety of housing opportunities for current and future residents and quality of life
- Facilitate innovative neighborhood design, open space preservation and high-quality neighborhoods
- Increase the amount of owner-occupied housing (the residential aspect of the applicant's request meets these goals; however, the apartment aspect is contrary to the goal of increasing owner-occupied housing. The City already has a large number of apartments)
- Compatibility with the PUD purpose (the intent it to accommodate development on sites with significant natural, historical and architectural features (this site presents physical constraints because of the creek which bisects the property which limits the ability to fully utilize the site. However, a cohesive development along with distinctive housing types can be provided along with a connecting road network by using PUD by relaxing dimensional requirements. The Planning Commission must determine whether this standard has been met especially with respect to Phase 2.
- Development impact (the proposed PUD should not impede the continuing use or development of surrounding properties. The proposed development is residential and abuts residential, school property, a railroad and industrial manufacturing. The densest portion of the development is adjacent to the railroad. Accordingly, the proposed uses should not impede the continuing use of the surrounding properties).

Mr. Avantini noted that the cross access and buffering with the abutting sites needs to be addressed in the PUD site plan review. The key outstanding item is the impact on the road system. The Planning Commission must determine whether adequate measures have been taken. Does it meet the goals? He recommends that the Planning Commission recommend that the City Council rezone Parcel No. 1 since it meets PUD standards. For Parcel No. 2, the Planning Commission must determine whether it meets the intent of the Master Plan. He referred to the March 21, 2018 preliminary PUD review letter. The PUD allows for different arrangements of buildings and configuration of the lots. The single-family plans need work on the buffering of the properties to the immediate east and the cross access stub with the property to the west. If a connection is not made to Parcel No. 2 via a bridge, they would at least look for that road to be stubbed so that a connection could be made at some point in the future. He has made quite a few comments that need to be addressed regarding Phase 2. He recommends that it be tabled in order to get feedback from the Planning Commissioners.

Chairman Day noted that the City is currently in the process of reviewing its Master Plan as required by State law. He asked whether the proposed changes to the Master Plan would affect this parcel. Mr. Avantini said that it would. He noted this property was to be master planned for Village Center Area (VCA) and incorporate a variety of housing types since they will run out of land in the VCA. It may also support the remainder of whatever redevelopment occurs on Wixom Road. Chairman Day asked

Mr. Avantini whether there were any public hearings held regarding the proposed changes to the Master Plan. Mr. Avantini said not as of yet. However, there was a public open house which was intended to give people a chance to drop by. Chairman Day asked whether there was any feedback given at that time. Mr. Avantini said there were one or two comments indicating that townhomes were not desired.

Commissioner Cousineau asked whether preliminary approval tonight means that the details will be part of the final plan review including the lot layout. He noted that this is a conceptual plan tonight. Chairman Day stated that if the Planning Commission recommends that City Council approve this with the ratio of non owner-occupied to owner occupied, they would be hard pressed to push for any significant change in the ratio or density. Commissioner Barts asked if the R-3 is not changed, would it still stay the same or would the VCA rules allow apartments? Mr. Avantini said there is the potential but it still would have to go through Planning Commission and City Council for approval. Commissioner Barts asked whether the zoning would stay the same. Mr. Avantini said it would stay the same now but if someone came in and rezoned it to VCA to match the Master Plan, it would change. It is a standalone district.

Chairman Day noted that if the property gets rezoned to VCA, it gives the Planning Commission and City Council more latitude in terms of what is allowed or not. Mr. Avantini noted that he has been working with Gibbs & Associates to fill in some of those areas because they like to have a City-created concept plan for future direction.

Commissioner Lawrence said that this is overwhelming. There is so much supporting information and he is having a hard time with it. The traffic is a big problem. The traffic study negates having a signal or putting extra lanes in. The Master Plan meeting was cancelled at the last minute without any explanation. This project does increase owner-occupied housing. He is having a real problem with this. One part of it is contradictory to another part. There are a lot of holes in this. Mr. Avantini noted that large PUD's are complex.

Commissioner Grossi asked whether a market analysis has been done or whether this is speculation. Mr. Avantini said that the City does not get into that. Applicants are responsible for doing their own due diligence. Chairman Day asked whether there is a large backlog of homes going unsold in the City. Mr. Avantini said that there are not enough homes available; there is a shortage.

Michael Thomas, 1108 S. Timberview Trail, West Bloomfield. When he put the school property under contract, he came in with a single-family residential plan with a little over 40 lots with some rear entry and some front entry garages. He was encouraged to put the property under contract and join the two parcels. He was told if he was able to do so, he could develop multi-family including apartments and that it was the City's aspiration to pursue millennials. Millennials do not want to purchase homes. They like to lease and remain portable. He was told there is a need for corporate housing and the City is being contacted by European and Asian automotive companies for well-appointed apartments and townhouses. He is surprised by some of the comments made by the City representatives tonight after having spent the last year working on this project. He has invested a lot of money based on the City's input. This was a strategic plan with a lot of help and influence from the City. He has been before the Planning Commission and secured the Commissioners' input. You cannot combine class apartments with Section 8/affordable apartments. It will not work. He is proposing Class A apartments and corporate apartments catering to professionals with corporate jobs. They will not attract a criminal element and they will be very different from the affordable apartments the City currently has which has left a bad taste in the City's mouth. This was not necessarily his original plan.

Commissioner Cousineau confirmed with the applicant that he does not own Parcel Nos. 1 and 2 but that they are under option. Chairman Day said that his recollection is that when the applicant came before the Planning Commission he received positive feedback from the Commissioners. He noted that at the time there was some discussion about Phase 2. He is unaware what occurred between the applicant and the Building Department or City offices. He recalls that although the Planning Commissioners were enthused, their reaction was positive in terms of the overall concept but not the details. Chairman Day recalls that he personally had concerns about the density and the size of the apartment units. Commissioner Cousineau noted that he was at the Planning Commission meeting. He asked the applicant whether he would be the builder or whether he would flip it. The applicant said that he is not a paper developer or flipper and that if approved, he will build it himself.

Mr. Avantini said that he would like to respectfully disagree with the applicant regarding his characterization of the applicant's meeting regarding Parcel No. 2. He noted that the applicant told

Mr. Avantini that townhomes did not work along the railroad tracks. That is why he brought the concept to the Planning Commission for feedback. He does not direct applicants how to develop their properties. He did not tell the applicant to put apartment buildings onsite. The applicant said that he did not know anything about the March property. He does not know why he would build more townhomes when there are 500 across the street. He would not have come up with the apartments if it was not mentioned to him. The Walled Lake Consolidated School System gave Mr. March a sizeable easement which gives him access. The idea of approving single-family on the north end but not the south end does not work because you would need to put another road in unless Mr. March is willing to vacate his easement.

Commissioner Barts noted that he was present at all three meetings when this matter was discussed. He recalls asking about the rear property due to the development on the north side and whether the applicant had put a road stub to the south. The applicant said he was negotiating that. Then Commissioner Barts asked where the school is in promoting the other exit due to the Fire Department. Commissioner Barts does not believe there was any confusion and he believes it was very, very clear. It is annoying that they promoted it. Chairman Day said that he does not recall that either. He noted that the proposal was for apartments. Chairman Day asked the applicant where the road off Maple was in the original site plan. The applicant said it was in the same location. He noted he would have had to provide access to Mr. March but it is unaffordable. The creek chasm is broader and it is more expensive. He would have to leave a strip of the easement at the west end of the property. He was encouraged to do the March property. He put the property under contract after an informal Planning Commission hearing.

Call to the Public:

Roy Thorsell, 3207 Potter Road, Wixom. He moved here 5 years ago when it was less crowded. He came from Royal Oak because he desired more open space. He is concerned with more development, especially townhouses. Traffic is already a disaster. He is opposed to the proposed plan and favors single-family homes. He does not mind the other single-family homes and wants more families. He is nervous about the apartments. It is higher density than single-family.

John Vandyke, 2480 Hedigham Boulevard, Wixom. Traffic is a problem. The apartments and condos would make it horrible. Wixom Road would be worse. It would be on the City to do something about it but there would not be much to do. It cannot be widened without enormous cost. There have been talks over the years about creating a bypass. Single-family homes are fine but stick to that.

Jim Hutchins, 2216 Mill Stream Drive, Wixom. He is a 25-year resident. Traffic is the biggest concern. He has read the traffic report and is familiar with studies. He suggests taking statements from members of the public who are present tonight regarding their feelings about the potential traffic issues. People use the elementary school. This is the applicant's traffic study, not some hypothetical computer model. He referred to the March 7, 2018 letter he wrote to the Planning Commission. There is no turning back if the Commissioners approve this. If it is rezoned, there is no going back. When it becomes a bigger mess, there is no cost effective or viable remedy. You cannot widen the Wixom/Maple Road intersection. If the Commissioners are not 100 percent sure that it is wise to rezone it, they need to err on the side of the residents.

Andrew Rice, 2183 Candlewood, Wixom. He agrees with Mr. Hutchins and urges the Commissioners to err on the side of caution. He does not believe this development fits with the Master Plan. Traffic was deemed to be a Level F which is the worst it can get. On a report, it looks like it does not change but it does. There is an elementary school with increased traffic and increased risks. He has kids that go there. The only way the developer can afford to develop this property is by adding higher density. If there is such a need for homes, why can't they sell them? He thinks the City has enough multi-family units. He urged the Commissioners to leave both parcels zoned R-3. He does not want to see smaller lots. He wants larger lots which will draw better residents. This is a better quality of life for the City. He found 1,596 homes available on Zillow within a 15-mile radius. He moved here 3 years ago from the Royal Oak/Clawson area because he wanted a lower density. He found an article by *USA Today* stating that millennials now comprise half of the home buyers, not home renters.

Ken Anderson, 2092 Mill Stream Court, Wixom. He is a 25-year resident. He would like to maintain single-family homes west of Wixom Road in order to maintain property values and decrease traffic. He believes there was only one traffic study conducted on the opening day of hunting. It should have been done during rush hour on a typical work day, both inbound in the morning and outbound in the evening. He is against multi-family apartments and condos.

Ryan Fisher, 2176 Hedigham Boulevard, Wixom. He is strongly opposed to rezoning of both parcels because it is inconsistent with the Future Land Use map, it is inconsistent with the goals and policies of the Master Plan related to the location of high-density residential housing, it does not meet the purposes of the Wixom Zoning Ordinance as contained in the City Code, it is inconsistent with the surrounding R-3 single-family minimum lot size of 12,500 square feet land uses and would create disharmony and negative impacts on the character of the adjacent neighborhoods by permitting a housing pod project which would impact density, floor areas, architectural style and sheer structural mass. That could constitute spot zoning. It would adversely impact the safety and movement of vehicular pedestrian traffic on and along adjacent streets including, but not limited to, Maple Road, Wixom Road and Theodore Street. It is not justifiable when ample vacant land properly zoned and Master Planned is available within the City's current VCA which does not need to be expanded. In view of the above, the proposed rezoning would adversely impact the safety, harmony and welfare of residents living in the area and in the community at large.

Scott Peterson, 1425 Wren, Wixom. He does not abut the proposed development. He suggested sending a letter to the City residents to give people an opportunity to speak and perhaps even move the hearing to the high school auditorium in order to accommodate more residents. He moved here in 1975 and lived here in an apartment in 1972 when the City only had 4 apartment buildings. Those apartments were fine for the first couple of years. The apartments proposed by the applicant might be fine for 10-15 years until there is a new trend or they could get bought and the rents get lowered to entice new residents. Stick to the single-family zoning. He went down to the new area and measured a couple lots. There was a 60-foot lot and a 55-foot lot. There were two homes that were 13 feet apart and two homes were 15 feet apart. There were 40-foot lots with a condo. He thinks he may have been able to stand between the two and touch them both. He does not want that on Maple Road. It does not fit the area for which it is proposed.

Debra Fantich, 474 Maple Wood Lane, Wixom. She is on the first street east of the proposed development. She does not want more apartments or rentals. She moved here 30 years ago because she wanted the city with a touch of country. Transient residents do not have a stake in the community like homeowners. As it is, you cannot cross Wixom Road. People are stopped and it is blocked. She is on the first street west of Wixom Road.

Taylor Bleibtrey, 3187 Bennington, Wixom. He is an 18-year resident who moved to Wixom from Chicago. He moved here for the neighborhoods and the kids. He is a little disappointed in the Planning Commission and noted that he never saw a rezoning sign on the applicant's property even though he has seen signs on other properties. If so, he would have attended previous meetings. This is a hot topic for his subdivision. He agrees with the prior residents regarding the R-3 zoning and does not see how the residents could even exit onto Wixom Road. That would go out onto Maple onto a two-lane road. It is a field. There are no trees. There is too much in this development. He would try to follow the Plan to keep it single family and build larger, affordable homes in the same style as they already have.

Brenda Couch, 3383 Theodore, Wixom. She has lived here since 1990. She lives by the railroad. There are hazardous materials carried on the trains. Apartments do not fit in. She wants to encourage families with kids. Millennials do not stay and the existing residents are stuck with what the millennials vote for. This development will stress the City's infrastructure including the roads, police and fire services. The infrastructure is already old. Apartments are not a good thing nor are condos. She favors single-family homes or a school development. Put the apartments on Wixom Road by the Ford Motor land. Traffic is already unbearable from 4-6 p.m. The mailman and the UPS driver cannot even get in as it is. Her neighbors agree with her.

Bob Gawronski, 2448 Heddingham Boulevard, Wixom. He opposes the applicant's proposal for two reasons: 1) What do 196 units of non owner-occupied housing do to the balance of the City? Is it consistent with the Master Plan? He does not think so; 2) Traffic. Maple Road is terrible. Once you hit Wixom Road, then you need to get to Pontiac Trail. Please keep that in mind.

Ken Ross, 641 Maple Lane, Wixom. His home butts up to the back of the proposed development. His backyard would be the alley. He is a 30-year resident. He is not against progress and development as long as it properly done. When he bought his house, it was zone for single-family housing, not condos or apartments. They are trying to squeeze a lot of houses onto this property. It should be 30-35 units but there will be about 11 feet between them. That is not the way the community is. Wixom Road traffic is backed up to Glengarry and you have to wait 3-4 lights. Some people go down his street which is a private road and turn around on his grass since they cannot make a left turn. There are lots of problems

with the roads and they are crumbling. If you add more stress and put a light at Theodore, it will make it worse. Do it right or don't do it at all. West of Wixom Road is all single family. It should stay that way. He expects them to do what is right for the community and the residents.

Cathy Gawronski, 2448 Hedigham, Wixom. She did not hear that the traffic consultant studied the impact at Maple and Wixom which is currently a nightmare. If the traffic study does not include that, it needs to especially with the proposed high density development. If they go ahead with the apartments, the applicant would likely sell it to another management company which could change everything the applicant presented tonight. Also, those apartments would compete with The Village next to the railroad tracks and the soap factory. The City should ask Mr. March to develop it as a buffer. Keep the current Master Plan in mind, not the one being updated which no one has seen and which has yet to be approved. Her home was zoned R-3 when she purchased it and she would like it to stay that way.

Rayetta Hartley, 2481 Balsam Court, Wixom. She is opposed to the applicant's proposal. She moved here 4 years ago. She has a single-family home and does not want a lot of rental properties since they do not help the City grow or expand. What kind of impact would this have on the elementary school? What will the City do with all those extra people and kids?

Cindy Dumpka, 3466 W. Maple, Wixom. Will the Planning Commissioners vote on this tonight? Chairman Day said that the Planning Commissioners will make a decision tonight after hearing from all residents who want to have input.

Steve Brown, 3194 Bennington Drive, Wixom. He is a 23-year resident. He believes homeowners are invested in the City and believes that most people present tonight are single-family homeowners. He would like the City to continue to be one that supports citizens who have a vested interest in supporting the City and who will stick around as opposed to millennials or transient residents. He has been the chairman of a charity for the past 10 years. Wixom Road is the most coveted corner for handing out Tootsie rolls and collecting donations because of all the traffic at all times of the day, not just during rush hour.

Mark Lada, 4094 W. Maple Road, Wixom. He has lived here for 18 years. He loves the city and works at the middle school. His kids go to Walled Lake Schools. He does not want more homes in a smaller area. He is confused and concerned about the traffic study since they are claiming there would be fewer trips with more homes. That does not make sense to him. If Maple and Wixom Roads were not a part of the traffic study, that is a problem. The open space is basically swamp so it is unusable. The applicant is asking to change things once his plans have been approved. His plans are ambiguous at best. The residents are stewards of the community. The applicant referred to a mysterious person at the City who would change the zoning but will not reveal who it is. He does not believe it but if so, shame on them. This is a system. He referred to Commissioner Lawrence's comments about loose ends. How can this Planning Commission change things based on what the applicant thinks he can do? He does not want a transient population. He stopped by The Village apartments. They have openings. There are also luxury apartments that are already here. The City does not need more and they are located in their proper place.

Scott Peterson, 1425 Wren, Wixom. He asked members of the public to raise their hands if they live in the VCA, in apartments rented for them by a corporation or in an apartment they themselves are renting. No one raised their hand. That should tell the Planning Commissioners something.

Gene Fletcher, 3356 W. Maple, Wixom. He would like to see it stay single family. He has lived here for 30 years and has seen a lot of change occur in that time. He has also worked here since 1966. His company installed the sewers along Wixom Road. He loves the neighborhood. It is nice, clean and is of good size. He sees no reason to change, at least on the west side of Wixom Road. Leave the single family and nice size lots there.

Betty Watson, 3636 W. Maple Road, Wixom. She is a 50-year resident. She drove around to look at things. As you travel south on Wixom Road and look to your left, there are multi-family homes that you cannot even see behind the single-family homes. At the intersection of Pontiac Trail and Wixom, if you go left there is a strip mall and a couple nice restaurants. Behind that all, you see townhouses. If they put more on the opposite side with apartments, it will not look great. Why not single family homes? When she first moved here, it was all field and woods behind there. There are two beautiful subdivisions where she lives. Why can't they go across the street? There is more property for sale across the street from here. She does not know if that sold. There will be even more homes. Do not allow the rezoning.

Mike Dornan, 2192 Hedigham Boulevard, Wixom. He is fascinated by the preliminary discussion regarding the applicant's reference to the apparent authority figures within the City. Anyone who has been in development for any period of time knows that there are no authority figures and that they have to go through the decision makers including the Planning Commission and City Council. He is strongly opposed to this rezoning. His position has been molded by years and years of dealing with complicated developments and listening to those who spoke tonight as well as at the other two town hall meetings. The developer turned a deaf ear and a blind eye to those comments. The applicant failed to meet the PUD overlay district's requirements of Sections 18.11.10 and 18.11.040 of the Zoning Ordinance; it should be denied by the Planning Commission in its entirety. Another serious issue with the proposal is the March 7, 2018 public hearing notice published in *The Spinal Column*. Many residents did not see that and are only here tonight because of word of mouth. Why didn't the applicant post the required 4-foot by 8-foot signs on the property announcing the proposed rezoning as required a minimum of 15 days prior to tonight's public hearing? He referred to the guidelines for rezoning. On every page of the 5-page guideline, property signage requirements are discussed. On two of those five pages, the signage requirements are outlined in detail. It is the Petitioner's sole responsibility to post the signage. He miserably failed to satisfy the requirements of the rezoning process which demonstrates a disdain of the City and its residents. This is a terrible way to begin a relationship and the process has gone too far. The rezoning should be denied for the following reasons: 1) the applicant has failed to demonstrate his proposal meets the intent and qualifying conditions of the PUD overlay district as outlined. This is based on the sole discretion of the Planning Commission; 2) the applicant has failed to comply with the rules and requirements as stated in the City's guidelines for application for rezoning; he simply cannot follow instructions; 3) the relevant and valid comments made by the public at this meeting and the letters that the Planning Commissioners received under public comment

Peter Behrmann, 693 Kingsley, Wixom. He would like to thank the Planning Commissioners for listening to the comments of the residents tonight. He sent a letter detailing the objections of he and his wife. He moved here in 2012 and actually visited the City's website to look at the Master Plan and the Future Land Use map. The applicant's property is located close to his home. He was happy that it was zoned residential single family. He thought it was a good area in which to relocate his family. He is disheartened to hear the City is looking to push through a change in the Master Plan and rezoning it to VCA. It was not communicated well to the citizens. If the residents knew about this, there would have been this many residents at the previous meetings. He agrees that the proposal is inconsistent with the Future Land Use map and the Master Plan. He has listened to many presentations given by Mr. Avantini. Tonight's discussions were filled with "might", "maybe" and "possibly". Mr. Avantini is leaving it all in the Planning Commissioner's lap in terms of what is best for the community. He came to the October Planning Commission meeting where this was discussed. The applicant has not changed a thing since then and has not listened to the public at all. He does not trust the developer in any way, shape or form. The developer has not even cut the grass since he closed on the property. He has shown that he is not willing to work with the City of Wixom. If he is not willing to work with the City and its residents, they should not work with him.

Chairman Day asked Mr. Avantini about the applicant's failure to post signage on the property for the proposed rezoning. Mr. Avantini said that is the responsibility of the applicant. The applicant said that it was an honest oversight. Chairman Day noted that there have been many comments tonight regarding the already existing traffic problems. He asked the City's Traffic Consultant to provide an overview of the traffic study.

Colleen Hill-Stramsak, P.E., Hubbell, Roth & Clark, Inc., 555 Hulet Drive, Bloomfield Hills. She is the City's engineering consultant. She reviewed the January 12, 2018 traffic impact study which was commissioned by the applicant/developer. She did not prepare the study herself. The study relies upon the ITE trip generation manual and matches with what is required. There are some problems which are outlined in her review letter. The applicant noted a turning lane on W. Maple is not required based on standards; however it is required based on the Zoning Ordinance. A small right turn lane is proposed. It covers the intersections of Wixom and W. Maple Roads, Wixom and Pontiac Trail, Wixom and Theodore and the development driveway on W. Maple and Maplelawn. Chairman Day asked Ms. Hill-Stramsak whether the intersection of Wixom and W. Maple Roads was included in the study since members of the public allege that it was not. Ms. Hill-Stramsak that it was included in the study. She noted that there are unacceptable levels of service at Wixom and Theodore. The signal warrant analysis which was performed was marginally acceptable and examined only 4 peak hours. It should cover at least 8 hours and typically 24 hours. The study does not propose any improvements to that intersection. The proposed improvements at the intersection of Wixom Road and Pontiac Trail are

not possible due to safety issues. Currently, if you are making a left turn, there is a protective green arrow. To improve capacity, the study recommended adding a permissive phase which would be flashing yellow arrow and flashing red ball. That is not allowed for safety's sake due to the location of the railroad tracks. She required some additional information from the applicant to say whether the study was thorough or complete but she has not received it. Chairman Day asked her whether she has any recommendations. Ms. Hill-Stramsak noted that there is a lot of traffic on Wixom Road. The only thing that could possibly help at Wixom and Theodore that could possibly help safety is possibly a traffic signal but nothing was analyzed and she does not know whether it would work. Chairman Day asked whether that is a City or County road. She indicated that along that stretch it is a City road, not a County road. South of that, it is a County road and north of that is County but that stretch belongs to the City. Chairman Day noted that the traffic study was for the development as proposed.

Commissioner Barts asked about Warrants 2 and 3 of the traffic study not being met. Ms. Hill-Stramsak said that is unlikely since there is a traffic problem there now and they did not address how to fix it. They did not do it completely. She looks at at least 8 hours per day and that was not done. Based on Wixom Road traffic, it could meet that warrant; however, that is up to the City. Chairman Day asked who would pay for the signal. Ms. Hill-Stramsak said the developer would have to pay.

Commissioner Cousineau noted that there appear to be very few options to alleviate traffic problems along Wixom Road from Maple Road to Pontiac Trail. There is no room for widening. The traffic study indicated signals could be modified perhaps with timing which could provide some benefit. There is very little that could be done regarding traffic with or without the proposed development. Ms. Hill-Stramsak said that there is not a lot which can be done with the intersection of Wixom Road and Pontiac Trail. Permissive left turns are not allowed due to safety. Commissioner Cousineau asked whether this is a regional problem which effects not only Wixom. What is the traffic volume there? The great majority of those vehicles come from outside Wixom. There is no easy solution here. It is not the developer's problem that there is a current traffic problem.

Gene Fletcher, 3356 W. Maple, Wixom. Where Milford Road turns to gravel, they proposed a road to Pontiac Trail. We need that now regardless of tonight's proposal. If that road goes through to Pontiac Trail, it could alleviate a lot of traffic. Make that road open.

An unidentified member of the public asked for the date that the traffic study was conducted. It was determined that it was done on January 14th. Members of the public said that is a major holiday and accordingly there was a lot of traffic not on the road that day which normally would have been.

Commissioner Carter noted that the cover letter of the traffic study talks about various intersections. Later in the study, the intersections at Wixom and Theodore and Wixom and Pontiac Trail are discussed. Why didn't the study look at Wixom and Maple? Ms. Hill-Stramsak said that if you look at the existing and future levels of service, it did not change and it is under the threshold of being acceptable. She does not know whether Wixom Road is a City or County road.

Chairman Day noted that the question before the Planning Commission is whether they should recommend the development's approval to City Council who makes the final determination. City Council can accept or override the Planning Commission's recommendation. Chairman Day said that he really appreciates the turnout tonight by the residents. He likes to see community involvement and he agrees with many of the comments made tonight. He suggested that the residents channel their interest by volunteering with many of the City's Boards and/or Commissions. He came to Wixom in 1955. He does not long for the well water, impassable roads, etc. but he does miss the farms, cows and horses. Land which was previously farmland is now subdivisions. He understands things will change and that people have a right to use their property for their own economic gain. He still likes the single-family portion of this. The lot size does not bother him. The City looks to create different housing types. Housing trends change. He does not believe the developer would be considering doing this if it were not marketable. He has some concerns with the single-family especially on the east side and any buffering between the single family and the neighboring development. He has significant concerns about the ratio of rental units to owner-occupied units. He understands there can be difficulties developing this property as currently zoned. He also knows that the ultimate decision may not lie with the City since other such situations have progressed to litigation and the decision has been taken out of the City's hands. He is prepared to recommend that City Council approve the single family on Parcel No. 1 and the preliminary PUD with some tweaking including buffering and a possible road connection to the west. He does not think that enough time and effort has gone into looking into

possibilities for development of Parcel No. 2. He does not think the traffic issue is not really persuasive to him. He agrees that the traffic is terrible and something needs to be done but likely at the regional level. Whether or not this development goes through, traffic will not get better and it will get worse due to other future development. He is concerned with the density and is not in favor of the current proposal for Parcel No. 2. What else is economically viable to the applicant and palatable to the community? He noted that 'condos' as referred to tonight refers to the type of development and does not mean that they would not be owner occupied.

Mr. Avantini noted that most of the projects in the last couple decades have been site condos since they are quicker and easier to approve. Many of the City's developments are site condos even though they look like single-family homes.

Peter Behrmann, 693 Kingsley, Wixom. Mr. Behrmann asked, as a point of order, whether the Planning Commission can split the approval of both parcels since they are under one agenda item. Chairman Day said it constitutes two different rezonings. Mr. Dorning noted that the applicant took the high risk route where it is all or nothing. Chairman Day noted that the applicant does not want to split these up anyway.

Commissioner Cousineau noted that he is a builder/developer. He has been through a situation where a sign for rezoning was not posted and he was advised that he had to repost the sign and reschedule the public hearing. He believes that may be an issue here in terms of moving ahead tonight. He does not know if they can split up Parcel Nos. 1 and 2 since it is one PUD which is one zoning issue and cannot be bifurcated. Would the applicant consider a separate review of the parcels? Does he want a decision tonight to keep the process moving on to the next level?

The applicant said that he considered it one issue until tonight. It could be of interest to him but there is complexity with the easement issue which is inextricably linked. If it were to be tabled, he would rather table the whole thing.

Chairman Day suggested securing the advice of the City Attorney as to whether this matter can be split. He has a problem with the lack of signage due to the potential lack of legal notice. He has a problem proceeding and would be inclined to table it. He suggested the applicant rework it with the City to see if there is another economically viable way to develop this property. Let the public come back and have their say again. Commissioner Cousineau said that the Planning Commission should at least provide the applicant and the residents with some feedback on the design in order to allow the applicant to keep moving forward. Chairman Day said that the density and the ratio of owner-occupied housing to rentals is out of whack. If they are going to be luxury apartments, he would like to see higher rents which would benefit the developer too. Townhouses are now selling.

Commissioner Barts understands what Chairman Day just said. If it is 50 apartment units, it is still at odds with what they have said all along. The apartments are detrimental to what the Master Plan and the Future Land Use map showed. Allowing any apartments is opening the door. He does not want any apartments. Chairman Day noted that that would be his preference if there is no other economically viable way to develop the property. He is obliged to let the developers make use of their property. Commissioner Lawrence supports no apartments whatsoever. He believes there are other options. Two years ago, there was a proposal to develop property with very small ranch homes for hearing impaired adults. Why not something like that or a nursing home or an assisted living facility? Those uses would involve minimal traffic. There are other alternatives.

Commissioner Sharpe said that he has always liked the City's Master Plan. He reviewed its history. He is not sure why the Planning Commission should table this tonight and suggests that they vote on the business in front of them. The applicant did not follow the process so he can reapply after implementing the feedback provided here tonight.

Mr. Avantini asked whether the Commissioners can recommend that City Council approve or deny this since it was improperly noticed. Chairman Day said then it needs to be denied since it was improperly noticed. They could table it instead of denying it. They may need to consult the City Attorney. Commissioner Cousineau supports the motion. He thinks the applicant has put together an excellent design team. It is a good proposal due to the detail work and the architectural design. However, there is a long way to get to something that is approvable. He thinks that Parcel No. 1 is far more approvable than Parcel No. 2. We have to be open minded with respect to Parcel No. 2 since it is difficult from a development and design standpoint due to the presence of the railroad and Korex. He understands why a developer would want a rental component. However, he has the same concern regarding rentals especially those that are long term. He

believes diversified housing is important especially close to the VCA which is very unique and draws a lot of people to it including millennials.

MOTION and second by Commissioners Lawrence and Barts to recommend to City Council that they not approve Rezoning #001-018, Creekside's request to rezone the property at 3515 Maple Road from R-3, One-Family Residential to R-4, One-Family Residential/PUD, Planned Unit Development; and the property at 3400 Theodore Street from R-3, One-Family Residential to RM-2, Multiple-Family Residential/PUD, Planned Unit Development for the following reasons: 1) the applicant has failed to demonstrate that it meets the full intent of the a PUD or that it meets the qualifying acts of the PUD as stated in Section 18 of the Zoning Ordinance; 2) It is also inconsistent with the Master Plan's goals to increase the amount of owner-occupied housing so as not to add to the high density. **MOTION AMENDED** by Commissioners Lawrence and Sharpe to add there was a lack of proper signage on the applicant's property announcing the proposed rezoning. The properties are located at 3515 Maple Road and 3400 Theodore Street, Wixom, Michigan 48393 and the parcel numbers are 17-31-401-012 and 17-31-401-013.

VOTE:

MOTION CARRIED

Staff Comments:

Mr. Avantini noted that there are other cases coming up. Next week Milana Estates will be on the agenda as well as Cambridge Lane. They will be coming in together so that the Planning Commission can see how they connect and work together. There will also be a small VCA waiver across the street. There are a couple site plans and a special land use on the agenda for the second meeting in April. Commissioner Carter asked whether that is east of the VCA. Mr. Avantini said that Cambridge Lane connects to Anthem. Milana Estates connects to Cambridge Lane which comes out onto Maple Road. Ms. Barker has been working on getting an access easement under the ITC power lines over to Gunnar Mettala Park. They are asking the developer to contribute to that.

Commission Comments:

Commissioner Barts noted that with the Future Land Use showing the VCA covering the entire parcel, if it is R-3 now and the VCA comes in with its own set of rules, does the R-3 go away or is it a rezoning to the public without a development because the City fathers have decided it is VCA? He thinks that the other meetings on tonight's issue were publicly noticed so he takes issue with assertions that they were not. Mr. Avantini noted that reasonable use of the property is separate from the Master Plan designation. The Master Plan changes have not yet been adopted. Even if it was included, it does not mean it has to be rezoned immediately. That depends on what conditions are placed in the Master Plan. There are communities that designate areas which are currently agricultural but not until there are utilities to the site. You can specify a triggering mechanism.

Chairman Day noted that anybody can come in with a project that fits R-3 and develop it. If it meets the current zoning, the Planning Commission does not have a lot of wiggle room. With rezoning, does it match the Future Land Use map? If it matches and you deny it, that could be problematic. It is a little different with PUD's. Parcel No. 2 is challenging. He does not know the answer. They have to provide reasonable use of the property. The site characteristics are challenging. He does not know what constitutes reasonable use. It is not black and white. He is in favor of no apartments but will keep his mind open. Commissioner Barts asked whether a judge would say whether they must rezone it. Chairman Day said that the City could be pushed into entering into a Consent Judgment which is then negotiated. The judge would not decide. They push and push with threats. If the City can work with a developer for something that is reasonable, they need to be openminded.

Commissioner Sharpe noted that it is impressive to have the kind of public discourse they saw tonight. He has learned something from tonight and feels this is what makes America great. Many of the residents visited the site and took the time to write letters.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 10:26 p.m.

Nancy Fisher
Recording Secretary