

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, APRIL 23, 2018**

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 and Sandro Grossi
- ABSENT:** Ray Cousineau (Excused)
- OTHERS:** Justin Sprague [on behalf of Carmine Avantini] (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 March 26, 2018 Planning Commission Meeting Minutes:**

**MOTION** and seconded by Commissioners Lawrence and Grossi to approve the March 26, 2018 Planning Commission Meeting Minutes.

**VOTE:**

**MOTION CARRIED**

**Correspondence:**

City Manager's Update – April 10, 2018

**Call to the Public:**

Ken Elphinstone [no address given]. Mr. Elphinstone represents Susan Schuetzler regarding the topic of accessory uses. He is here to answer any questions that the Planning Commissioners may have.

**Unfinished Business:**

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

**New Business:**

- 1. PUBLIC HEARING FOR SPECIAL LAND USE #18-001, FIT BODY BOOT CAMP, 2055 N. WIXOM ROAD, WIXOM, MI 48393:** The applicant is seeking special land use approval for a health & fitness facility in the North Wixom Plaza. The Municipal Code, **Section 18.06.020**, requires Planning Commission approval for this request. The parcel number is part of #17-30-200-015.

Mr. Sprague referred to Mr. Avantini's April 10, 2018 review letter. The applicant is in compliance except for a couple of items he has questions about including addressing potential noise issues and ensuring it will not disturb adjacent tenants. He recommends approval conditioned upon: 1) sound, music or amplification being restricted to inside the building and set at volumes that will not be heard by adjacent tenants. Sound-proofing of the walls may be needed; 2) review and approval of other City departments, consultants and agencies. He referred to the letters from various City departments who have expressed no opposition to the applicant's request.

Cory DiMaria, 2055 N. Wixom Road, Wixom. His business is located in Milford but he will be moving to Wixom. Chairman Day asked how many customers he will have. The applicant said it will 10-20 people in a group although it could be sometimes more, sometimes less. Chairman Day asked how many employees the applicant has. The applicant said that he employs 1-2 people including a trainer who will be on the floor and someone who will staff the front desk. Chairman Day inquired about the hours of operation. The applicant said it would be very early in the morning, starting at 5:45 a.m. and then from 9:30-10:00 a.m., shutting down for lunch and resuming from 4:30-7:00 p.m. The applicant is in a plaza with tenants above them and to their side. Chairman Day asked the applicant whether he has any sound issues with his neighbors. The applicant said a little bit and that he installed sheet metal which reverberated sound. They then did some soundproofing which has helped a lot. The restaurant next to him was double insulated with drywall. The applicant

assured the neighboring restaurant that their hours will not overlap. He spoke to the landlord next to him. He will find a happy medium if sound becomes an issue. Chairman Day confirmed with the applicant that he will increase the amount of soundproofing if that is necessary. Chairman Day noted that any motion should include that the Planning Commission relies upon the assurances of the applicant that sound will not be an issue and that the sound will be contained within the applicant's walls. Commissioner Lawrence agreed.

**MOTION** and second by Commissioners Lawrence and Sharpe to approve Special Land Use #18-001, Fit Body Boot Camp's request for special land use approval for a health & fitness facility in the North Wixom Plaza. This approval is conditioned upon the criteria mentioned in Mr. Avantini's April 10, 2018 review letter. Additionally, the Planning Commission is relying upon the applicant to make any necessary adjustments as needed, particularly pertaining to noise/sound issues. The property is located at 2055 N. Wixom Road, Wixom, Michigan 48393 and the parcel number is part of #17-30-200-015.

**VOTE:**

**MOTION CARRIED**

2. **SITE PLAN REVIEW, SPR# 05-004-18, INDUSTRIAL BUILDING, 49250 WEST ROAD, WIXOM, MI 48393:** The applicant is seeking site plan approval for the erection of a 35,090- square foot speculative light industrial building at 49250 West Road, Lot 17 in the Wixom West Technology Centre Condominium. The property is located on the north side of West Road, east of Wixom Road. In addition to the building, proposed site improvements include: 66 parking spaces and 32 land-banked spaces, including three (3) barrier-free; two overhead doors and loading spaces; a dumpster with enclosure; and various landscape improvements. Access to the site will be from a new driveway on West Road and two driveways from the existing private road/drive that abuts the property on the west. The property is zoned M-1, Light Industrial District, where light industrial buildings are considered permitted uses in the district. The parcel number is 96-22-05-352-016.

Mr. Sprague referred to Mr. Avantini's April 23, 2018 review letter. He noted that quite a few items were left off and a few will require Planning Commission input or waiver. Mr. Avantini recommends approval if these items are addressed. He believes that the frontage building setback requirement was intended for private roads and not intended for private drives which is the intent of this building. Planning Commission approval is needed for a smaller setback than what they are actually showing. The setback is 50 feet and parking is 20 feet. The applicant is providing 22 feet and 3 feet for parking. Mr. Avantini believes it is a private driveway and not a private road. The City would like to see a copy of the easement verifying that the encroachment is permitted for that parking. The plan shows that there are unpermitted bumper blocks. The space length must be increased to 18 feet and it appears to be enough space but this will require the approval of the Planning Commissioners. The remainder of the concerns are mostly notes regarding mechanical unit screening, snow storage, ingress, etc. The Planning Commission would need to grant a waiver for the greenbelt since it is on a private drive and it only leads to a parking lot. The applicant needs to provide color renderings for the Planning Commission's review. They are offering to use split-face masonry block for the office portion of the building as opposed to brick. That is a determination that must be made by the Planning Commission.

Mr. Avantini recommends approval conditioned upon: 1) the Planning Commission determining that the intent of the required front yard setback along with the private road has been met; 2) a copy of the ingress/egress easement being provided to verify that the proposed parking can encroach into it; 3) additional parking beyond that allowed by Ordinance being permitted since the building is speculative in nature and the number of future employees may warrant the increase; 4) approval for the use of bumper blocks in front of the barrier-free spaces; 5) the length of the parking spaces abutting the office portion of the building, along West Road, be increased to eighteen (18) feet, per Ordinance requirements; 6) approval of a waiver to the greenbelt requirement along the private road; 7) revisions to the site plan that include: a) a note must be added to the plan that there will be no parking of trucks or trailers in the access easement; b) notes regarding the screening of mechanical equipment and utilities; c) snow storage areas; d) a cost estimate of the proposed landscaping; e) required landscaping notes; f) a note stating that there are no wetlands on the property; 8) Planning Commission acceptance of the proposed building materials; and 9) review and approval from other applicable consultants, departments and agencies. Mr. Sprague noted that there was a comment by the Fire Chief who gave conditional approval based on the fact that the fire hydrants do not currently meet City standards. Commissioner Lawrence confirmed with Mr. Sprague that the fire hydrants should be a necessary condition of any motion made tonight.

Commissioner Lawrence asked why the cost of landscaping, as referenced in Item 7(d) of Mr. Avantini's review letter is of concern. Mr. Sprague noted that the City escrows twice the amount of materials to ensure that if the plants die within the first 2 growing seasons that they will be replaced. Commissioner Barts noted that the landscaping in the greenbelt shows some improvement. Mr. Sprague noted that Mr. Avantini feels it is more of a private driveway and that the greenbelt Ordinance does not apply since it is not a road. It is a driveway leading to the parking lot. Because of that Mr. Avantini feels that the greenbelt requirement is probably a little more burdensome than necessary. Chairman Day noted that the Ordinance refers to private roads and not private driveways. Either the Planning Commission needs to waive it or find that it is a private drive and not a private road. That would be sufficient. He thinks that is the way to go. Mr. Sprague noted that the 50 feet that is required is specific to a private road. Mr. Avantini feels that the intent has been met.

Commissioner Barts asked whether if there are conditions imposed with which the applicant does not agree whether this matter could wind up in front of the Zoning Board of Appeals (ZBA) in the form of a request for a variance. Mr. Sprague said that if the Planning Commission finds it to be a private road and that it does not meet the requirements, it will go on to the ZBA.

Steve Hardin, Hillside Investments [no address given]. He is proposing a 35,000-square foot light industrial spec building with a 28,000-square foot warehouse. There will be 66 parking spaces and 32 land banked spaces which provides for flexibility in the event they decide to do two stories. The building is 31 feet tall. He will be doing a decorative split face masonry exterior with horizontal metal insulated panels and a mix of curtain wall and store front glass. There will be a good amount of glass in the shop and warehouse area since tenants want natural light. There will be vertical windows around the entire perimeter of the shop area. He agreed to comply with all of the required conditions. He is excited about the project and would like to commence construction as soon as possible pending approval. They have been very successful at securing tenants within a matter of weeks.

Chairman Day asked the applicant about the bumper blocks. The applicant said that he missed that. They have previously used bollards and can use them here. Chairman Day confirmed with Mr. Sprague that bollards are allowed. The applicant said that he will swap bollards for bumper blocks.

Commissioner Barts noted that the 16-foot parking needs to be increased to 18 feet in length. On the west side, the applicant will lose 4 feet of the traffic aisle which looks like the applicant's exit for semi's. Commissioner Barts asked Mr. Sprague whether a 20-foot aisle is allowed. The applicant noted that he can move the building slightly to the east. Commissioner Barts asked whether that would not change the requested setback waiver for the parking. The applicant said that it would not and that they will increase the provided setback; however, it would not meet the front yard setback if they met the private drive. That private drive is just an access to the back three to four lots along Wixom Road. It is a driveway into the parking lot. Mr. Sprague said that 24 feet is the requirement for two ways and 20 feet is the requirement for one. Commissioner Barts suggested that this needs to be further studied.

Jonathon Curry, PEA, Inc., 7927 Nemco Way, Ste. 115, Brighton. He is the civil engineer. The parking lot problem is not just where there is landscaping. There is no landscaped area in that spot. They are allowed a 2-foot overhang in a landscaped area. When you have adjacent landscaping, you can go 2 feet over. He presented plans to the Commissioners pointing this out.

Chairman Day confirmed with the applicant that he has no concerns with the fire hydrant concerns raised by the Fire Department. Commissioner Sharpe noted that he personally visited the site and it looks like a private drive to him. It is kind of a mess back there. Chairman Day agrees that it is a private drive and that road setbacks do not apply. Commissioner Barts agrees. Chairman Day said that there is no greenbelt waiver required if it is a drive. Commissioner Carter confirmed with the applicant that the lighter grey on the building's exterior depicts metal panels on either side of the glass and that the darker grey will be split face. He thinks it is a nice looking building and does not have a problem with its appearance.

**MOTION** and second by Commissioners Carter and Grossi to approve SPR# 05-004-18, Industrial Building's request for site plan approval for the erection of a 35,090- square foot speculative light industrial building at 49250 West Road, Lot 17 in the Wixom West Technology Centre Condominium. This approval is conditioned upon: 1) the Planning Commission determined that the intent of the required front yard setback along with the private drive has been met and

the vehicle path is a private drive and not a private road; 2) a copy of the ingress/egress easement being provided to verify that the proposed parking can encroach into it; 3) additional parking beyond that allowed by Ordinance being permitted since the building is speculative in nature and the number of future employees may warrant the increase; 4) approval for the use of bollards as opposed to bumper blocks in front of the barrier-free spaces; 5) the length of the parking spaces abutting the office portion of the building, along West Road, be increased to eighteen (18) feet, per Ordinance requirements; 6) approval of a waiver to the greenbelt requirement not being necessary since it is a private drive; 7) revisions to the site plan that include: a) a note must be added to the plan that there will be no parking of trucks or trailers in the access easement; b) notes regarding the screening of mechanical equipment and utilities; c) snow storage areas; d) a cost estimate of the proposed landscaping; e) required landscaping notes; f) a note stating that there are no wetlands on the property; 8) the Planning Commission accepts the proposed building materials; and 9) review and approval from other applicable consultants, departments and agencies including the Fire Department. The property is located at 49250 West Road, Wixom, Michigan 48393, is zoned M-1, Light Industrial District and the parcel number is 96-22-05-352-016.

**VOTE:**

**MOTION CARRIED**

- 3. VILLAGE CENTER AREA (VCA) ACCESSORY DWELLING DISCUSSION:** Staff would like to discuss *Section 18.07.020, Table 7.02, Schedule of Uses*, of the Ordinance which allows “Dwellings and workshop space above garages” as a permitted use. The question is whether it is the intent of the Ordinance to allow accessory dwellings or “in-law apartments” that are not above garage units. While the Zoning Board of Appeals (ZBA) has the authority to make Ordinance interpretations under Section 18.22.030(A), feedback regarding accessory dwellings and possible conditions of approval is being sought.

Mr. Sprague noted that he prepared a page and a half report which discusses this issue. Accessory dwelling units are secondary to living quarters which can also be used as living quarters. The applicant submitted a permit to convert an attached garage to an accessory dwelling. The Ordinance does not allow for it since it is not above the garage. Not a lot of other communities permit it. There are only five communities including Ann Arbor, Grand Rapids, Livingston County, the City of Manistee and the Village of Beulah. Most require that they cannot be smaller than 400 square feet or larger than 1,000 square feet and they must be owner occupied. There are deed restrictions saying the accessory unit cannot be sold independently; i.e., they cannot be separated. Often times the number of occupants are limited to two. Other than Hamburg Township, the other communities allow attached as part of the principal or detached. Hamburg Township requires a common entrance or breezeway. Many times they are utilized in higher density districts but are allowed for single-family residential districts; however, the lots must be 5,000 square feet in size. This will require an interpretation of intent from the ZBA; however, he wanted to present this to the Planning Commission for its feedback.

Chairman Day asked Mr. Sprague whether there is anything in the zoning which requires homes to have a garage. Mr. Sprague said that there is not. Chairman Day noted that people could close up their garage door and make it a room and not have a garage. He confirmed with Mr. Sprague that there is no requirement to keep it as garage space. Mr. Sprague noted that the Ordinance says “dwelling and workshop space above the garage”. His interpretation is that the area above the garage would be additional dwelling space used by the occupants of the primary residence and not necessarily leased to a third party. Mr. Sprague said that it could and there could be an attached garage and a bonus room which is still part of the house. If you have a detached garage and want a dwelling unit above it that would be permitted in the Village Center Area (VCA) and leasing would be allowed in the VCA.

Chairman Day said that he understands the concept and that he stayed in his friend’s casita in Phoenix. However, other residents in the community and especially those in the VCA may have a problem with this. For that reason, he is hesitant to give blanket approval without allowing the public to comment on this. Mr. Sprague said that the question is whether the Ordinance’s intent is to allow accessory units not above garages. If the intent expands beyond that, an amendment would need to be made. Chairman Day said that he does not think it is up to the Planning Commission to make this decision without it going through some sort of review process and that it should go through City Council.

Commissioner Lawrence said there needs to be some discussion of the conversion of a garage into a living space. What is to stop someone from adding an addition of an entire suite including a bedroom and kitchen? Mr. Sprague noted that there was a similar case which came before the ZBA a couple years ago which involved a grandfathered unit. The ZBA denied the request unless it was connected to the house. Chairman Day noted that the VCA already provides for a non-attached structure. Commissioner Lawrence noted that this needs to be really well defined and that someone will have to

determine minimum size, whether it is attached or detached, separate entrance or non-separate entrance. Something like this could wind up on Airbnb. Chairman Day said that this needs to be reviewed. The current Ordinance does not address whether it is owner occupied. It is a fairly radical change from what he thought was intended. He is not against this but he would like to see it more thoroughly reviewed.

Mr. Sprague said that the next step is to take this before the ZBA for its interpretation. If they say the Ordinance is written as is, the next question is does the City want to change it. Then it would come back to the Planning Commission to develop standards and put it in the Ordinance. Will it be allowed outside the VCA? Is it good for R-2, R-3 or even R-4 districts with higher density lots? Four out of the five communities require Planning Commission approval. Ann Arbor does not. Other communities only permit a maximum of 15 of these units.

Chairman Day understands that people want to have living quarters for their parents or adult kids who are still at home. He can see himself supporting the right Ordinance but wants to have it well thought out.

Ken Elphinstone [no address provided]. It is Glen's mother-in-law who would occupy it. It might be better for older people to have it on the first floor. This process has been a little dumbfounding to him. He did not realize how much confusion it would cause. Chairman Day said that he feels for the applicant with his situation. Mr. Elphinstone said that he thought tonight would be about whether the dwelling could be above or at grade. Mr. Sprague noted that if the ZBA says no, then the applicant can either build an addition on the house if that is feasible for his situation in a non-separate unit or to let the Ordinance be initiated either by the residents or the Planning Commission to allow it to occur. Mr. Elphinstone said that this is a confusing process and he has not had any clear direction. He was told something different before tonight. He was told one thing and now he is headed down a different road. The homeowner is livid. Chairman Day noted that the Planning Commission does not have the authority to make this decision.

Commissioner Barts agrees with Chairman Day regarding allowing the residents to weigh in on this. Looking at what the other communities are doing, the VCA in some areas is small. If this became widespread, it could affect traffic and create issues that way. Chairman Day said that they may want to prohibit Airbnb uses or define the length of occupancy or the length between occupants. Maybe the neighbors would be fine with this but maybe not.

**Call to the Public:**

There were no comments made by the public.

**Staff Comments:**

There were no comments made by the staff.

**Commission Comments:**

There were no comments made by the Commissioners.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 8:26 p.m.

Nancy Fisher  
Recording Secretary